



**POLICY COUNCIL
FRIDAY, APRIL 9, 2010
8:45 A.M. – 10:45 A.M.
TIME CHANGE:
9:30 A.M.**

ACTION PACKET

**Larry Cretul
Speaker**

**Rep. Marcelo Llorente
Chair**

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

Summary:

Policy Council

Friday April 09, 2010 08:45 am

CS/HB 31	Favorable With Council Substitute	Yeas: 12	Nays: 0
CS/HM 191	Favorable	Yeas: 12	Nays: 0
HJR 495	Discussed		
CS/HM 553	Favorable	Yeas: 12	Nays: 0
CS/HB 787	Favorable With Council Substitute	Yeas: 13	Nays: 0
CS/HB 845	Favorable	Yeas: 11	Nays: 0
CS/HB 1075	Favorable	Yeas: 12	Nays: 0
CS/HB 1197	Favorable	Yeas: 12	Nays: 0
CS/HB 1277	Favorable With Council Substitute	Yeas: 10	Nays: 0
HM 1609	Favorable	Yeas: 8	Nays: 4

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Marcelo Llorente (Chair)	X		
Kevin Ambler	X		
Mary Brandenburg	X		
Jennifer Carroll	X		
Faye Culp	X		
Keith Fitzgerald	X		
James Frishe			X
Audrey Gibson	X		
Ed Homan	X		
Dorothy Hukill	X		
Evan Jenne	X		
John Legg	X		
Dave Murzin	X		
Ari Porth	X		
William Snyder			X
Perry Thurston		X	
Baxter Troutman	X		
Juan Zapata			X
Totals:	14	1	3

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 31 : Public Education

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg	X				
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan	X				
Dorothy Hukill			X		
Evan Jenne	X				
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman			X		
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Courtenay Strickland, Director of Public Policy - Opponent

ACLU of Florida
a4500 Biscayne Blvd.
Miami FL 33137
Phone: (305) 457-5422

Ed Holmes - Opponent

Citizen of Santa Rosa County Representing himself
2724 Deluna Way
Milton FL

Mary Allen - Proponent

Student
P. O. Box 62059
Tallahassee FL 32313
Phone: (850) 261-3936

Bob Harris - Proponent

PA.E.C. (Panhandle Area Educational Consortium)
2618 Centennial Place
Tallahassee FL 32308
Phone: 222-0720

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HM 191 : Ecumenical Patriarchate

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg	X				
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan	X				
Dorothy Hukill			X		
Evan Jenne	X				
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman			X		
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

HJR 495 : Terms of State Senators, State Representatives, and Elected County and Municipal Officers

Discussed

Appearances:

Impacts of Term Limits on Local Governments
Chris Doolin (Lobbyist) - Proponent
Small County Coalition/Small School Districts
1180B Thomasville Road
Tallahassee FL 32303-6287
Phone: 224-3180

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HM 553 : Fishery Conservation and Management

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg	X				
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan	X				
Dorothy Hukill			X		
Evan Jenne	X				
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman			X		
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 787 : Child Abduction Prevention

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg			X		
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan	X				
Dorothy Hukill	X				
Evan Jenne	X				
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman	X				
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Child Abduction Prevention
Carolyn Ann Vlk - Proponent
Child Advocate
2155-67th Ave. So
St. Pete FL 33712
Phone: (727) 565-6500

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 845 : Reverse Mortgage Loans

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg			X		
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan			X		
Dorothy Hukill	X				
Evan Jenne			X		
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman	X				
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 1075 : Office of Supplier Diversity of the Department of Management Services

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg			X		
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan	X				
Dorothy Hukill			X		
Evan Jenne	X				
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman	X				
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

Committee meeting was reported out: Friday, April 09, 2010 1:58:38PM

COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 1197 : Probate of an Estate

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg	X				
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan	X				
Dorothy Hukill			X		
Evan Jenne	X				
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman			X		
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
Total Yeas: 12		Total Nays: 0			

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COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

CS/HB 1277 : Sellers of Travel

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler				X	
Mary Brandenburg			X		
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald	X				
James Frishe			X		
Audrey Gibson	X				
Ed Homan	X				
Dorothy Hukill	X				
Evan Jenne				X	
John Legg	X				
Dave Murzin	X				
Ari Porth	X				
William Snyder			X		
Perry Thurston			X		
Baxter Troutman			X		
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
	Total Yeas: 10	Total Nays: 0			

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COUNCIL MEETING REPORT

Policy Council

4/9/2010 8:45:00AM

Location: Morris Hall (17 HOB)

HM 1609 : Terrorist Trials in Civilian Courtrooms

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Mary Brandenburg			X		
Jennifer Carroll	X				
Faye Culp	X				
Keith Fitzgerald		X			
James Frishe			X		
Audrey Gibson		X			
Ed Homan	X				
Dorothy Hukill			X		
Evan Jenne		X			
John Legg	X				
Dave Murzin	X				
Ari Porth		X			
William Snyder			X		
Perry Thurston			X		
Baxter Troutman	X				
Juan Zapata			X		
Marcelo Llorente (Chair)	X				
Total Yeas: 8		Total Nays: 4			

Appearances:

Daria Dawson - Opponent
Legislative Advocate, ACLU of Florida
13448 N. Meridian Rd.
Tallahassee FL 32312
Phone: (850) 459-1022

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 31 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Policy Council

2 Representative(s) Drake offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 17-33 and insert:

6 1003.4505 Protection of School Speech.--

7 District school boards, administrative personnel, and
8 instructional personnel are prohibited from taking
9 affirmative action, including, but not limited to, the
10 entry into any agreement, that infringes or waives the
11 rights or freedoms afforded to instructional personnel,
12 school staff, or students by the First Amendment to the
13 United States Constitution, in the absence of the express
14 written consent of any individual whose constitutional
15 rights would be impacted by such infringement or waiver.
16
17
18
19 -----

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 31 (2010)

Amendment No. 1

20
21
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23
24

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

Remove lines 3-7 and insert:

1003.4505, F.S.; prohibiting district school boards,

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 495 (2010)

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)

ADOPTED AS AMENDED — (Y/N)

ADOPTED W/O OBJECTION — (Y/N)

FAILED TO ADOPT — (Y/N)

WITHDRAWN — (Y/N)

OTHER — Discussed

1 Council/Committee hearing bill: Policy Council
2 Representative Troutman offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the resolving clause and insert:

6 That the following amendment to Section 4 of Article VI and
7 the creation of a new Section in Article XII of the State
8 Constitution are agreed to and shall be submitted to the
9 electors of this state for approval or rejection at the next
10 general election or at an earlier special election specifically
11 authorized by law for that purpose:

12 ARTICLE VI

13 SUFFRAGE AND ELECTIONS

14 SECTION 4. Disqualifications.—

15 (a) A ~~No~~ person convicted of a felony, or adjudicated in
16 this or any other state to be mentally incompetent, is not ~~shall~~
17 ~~be~~ qualified to vote or hold office until restoration of civil
18 rights or removal of disability.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 495 (2010)

Amendment No.

19 (b) ~~A~~ No person may not appear on the ballot for re-
20 election as a senator, representative, county officer, or
21 municipal officer if, by the end of the current term of office,
22 the person will have served (or, but for resignation, would have
23 served) in that office for twelve consecutive years. ~~to any of~~
24 the following offices:

25 ~~(1) Florida representative,~~

26 ~~(2) Florida senator,~~

27 ~~(c) (3)~~ A person may not appear on the ballot for re-
28 election as the Florida Lieutenant governor, or to

29 ~~(4) any office of the Florida cabinet office,~~

30 ~~(5) U.S. Representative from Florida, or~~

31 ~~(6) U.S. Senator from Florida~~

32

33 if, by the end of the current term of office, the person will
34 have served (or, but for resignation, would have served) in that
35 office for eight consecutive years.

36

ARTICLE XII

37

SCHEDULE

38

39

Implementation of amendments relating to the limitation on
terms of certain elected officials.—The amendment to Section 4
40 of Article VI and the creation of this section shall take effect
41 upon approval by the electors.

42

BE IT FURTHER RESOLVED that the following statement be
43 placed on the ballot:

44

CONSTITUTIONAL AMENDMENTS

45

ARTICLE VI, SECTION 4

46

ARTICLE XII

Amendment No.

47 LIMITATION ON TERMS OF STATE SENATORS, STATE
48 REPRESENTATIVES, AND ELECTED COUNTY AND MUNICIPAL OFFICERS.—The
49 State Constitution generally limits state senators and state
50 representatives to serving 8 consecutive years in office.
51 However, the State Constitution does not limit the number of
52 consecutive years in office that may be served by a county or
53 municipal officer.

54 This amendment generally limits state senators, state
55 representatives, and elected county and municipal officers to 12
56 consecutive years in office. However, the amendment does not
57 change the length of the term of any legislative or elected
58 county or municipal office.

59

60

61

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

62

63 Remove the entire title and insert:

63

64

 House Joint Resolution

65

A joint resolution proposing an amendment to Section 4 of
66 Article VI and the creation of a new section in Article
67 XII of the State Constitution to revise the term limits
68 that apply to state senators and state representatives and
69 to impose term limits on elected county and municipal
70 officers.

70

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
<u>ADOPTED W/O OBJECTION</u>	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Policy Council

2 Representative(s) Rouson offered the following:

3
4 **Amendment**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Child Abduction
7 Prevention Act."

8 Section 2. Section 61.45, Florida Statutes, is amended to
9 read:

10 61.45 Court-ordered parenting plan; risk of violation;
11 bond.—

12 (1) In any proceeding in which the court enters a
13 parenting plan, including a time-sharing schedule, including in
14 a modification proceeding, upon the presentation of competent
15 substantial evidence that there is a risk that one party may
16 violate the court's parenting plan by removing a child from this
17 state or country or by concealing the whereabouts of a child, ~~or~~
18 upon stipulation of the parties, upon the motion of another
19 individual or entity having a right under the law of this state,

Amendment No. 1

20 or if the court finds evidence that establishes credible risk of
21 removal of the child, the court may:

22 (a) Order that a parent may not remove the child from this
23 state without the notarized written permission of both parents
24 or further court order;

25 (b) Order that a parent may not remove the child from this
26 country without the notarized written permission of both parents
27 or further court order;

28 (c) Order that a parent may not take the child to a
29 country that has not ratified or acceded to the Hague Convention
30 on the Civil Aspects of International Child Abduction unless the
31 other parent agrees in writing that the child may be taken to
32 the country;

33 (d) Require a parent to surrender the passport of the
34 child or require that:

35 1. The petitioner place the child's name in the Children's
36 Passport Issuance Alert Program of the United States Department
37 of State;

38 2. The respondent surrender to the court or the
39 petitioner's attorney any United States or foreign passport
40 issued in the child's name, including a passport issued in the
41 name of both the parent and the child; and

42 3. The respondent not apply on behalf of the child for a
43 new or replacement passport or visa; or

44 (e) Require that a party ~~to~~ post bond or other security in
45 an amount sufficient to serve as a financial deterrent to
46 abduction, the proceeds of which may be used to pay the

Amendment No. 1

47 reasonable expenses of recovery of the child, including
48 reasonable attorney's fees and costs, if the child is abducted.

49 (2) If the court enters a parenting plan, including a
50 time-sharing schedule, including in a modification proceeding,
51 that includes a provision entered under paragraph (1)(b) or
52 paragraph (1)(c), a certified copy of the order should be sent
53 by the parent who requested the restriction to the Passport
54 Services Office of the United States Department of State
55 requesting that they not issue a passport to the child without
56 their signature or further court order.

57 (3) If the court enters an order under paragraph (1)(a) or
58 paragraph (1)(b) to prevent the removal of the child from this
59 state or country, the order may include one or more of the
60 following:

61 (a) An imposition of travel restrictions that require that
62 a party traveling with the child outside a designated geographic
63 area provide the other party with the following:

- 64 1. The travel itinerary of the child.
65 2. A list of physical addresses and telephone numbers at
66 which the child can be reached at specified times.
67 3. Copies of all travel documents.

68 (b) A prohibition of the respondent directly or
69 indirectly:

- 70 1. Removing the child from this state or country or
71 another specified geographic area without permission of the
72 court or the petitioner's written consent;
73 2. Removing or retaining the child in violation of a child
74 custody determination;

Amendment No. 1

75 3. Removing the child from school or a child care or
76 similar facility; or

77 4. Approaching the child at any location other than a site
78 designated for supervised visitation.

79 (c) A requirement that a party register the order in
80 another state as a prerequisite to allowing the child to travel
81 to that state.

82 (d) As a prerequisite to exercising custody or visitation,
83 a requirement that the respondent provide the following:

84 1. An authenticated copy of the order detailing passport
85 and travel restrictions for the child to the Office of
86 Children's Issues within the Bureau of Consular Affairs of the
87 United States Department of State and the relevant foreign
88 consulate or embassy.

89 2. Proof to the court that the respondent has provided the
90 information in subparagraph 1.

91 3. An acknowledgment to the court in a record from the
92 relevant foreign consulate or embassy that no passport
93 application has been made, or passport issued, on behalf of the
94 child.

95 4. Proof to the petitioner and court of registration with
96 the United States embassy or other United States diplomatic
97 presence in the destination country and with the destination
98 country's central authority for the Hague Convention on the
99 Civil Aspects of International Child Abduction, if that
100 convention is in effect between this country and the destination
101 country, unless one of the parties objects.

Amendment No. 1

102 5. A written waiver under the Privacy Act, 5 U.S.C. s.
103 552a, as amended, with respect to any document, application, or
104 other information pertaining to the child or the respondent
105 authorizing its disclosure to the court.

106 6. A written waiver with respect to any document,
107 application, or other information pertaining to the child or the
108 respondent in records held by the United States Bureau of
109 Citizenship and Immigration Services authorizing its disclosure
110 to the court.

111 7. Upon the court's request, a requirement that the
112 respondent obtain an order from the relevant foreign country
113 containing terms identical to the child custody determination
114 issued in this country.

115 8. Upon the court's request, a requirement that the
116 respondent be entered in the Prevent Departure Program of the
117 United States Department of State or a similar federal program
118 designed to prevent unauthorized departures to foreign
119 countries.

120 (e) The court may impose conditions on the exercise of
121 custody or visitation that limit visitation or require that
122 visitation with the child by the respondent be supervised until
123 the court finds that supervision is no longer necessary and
124 orders the respondent to pay the costs of supervision.

125 (4) ~~(3)~~ In assessing the need for a bond or other security,
126 the court may consider any reasonable factor bearing upon the
127 risk that a party may violate a parenting plan by removing a
128 child from this state or country or by concealing the
129 whereabouts of a child, including but not limited to whether:

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 787 (2010)

Amendment No. 1

130 (a) A court has previously found that a party previously
131 removed a child from Florida or another state in violation of a
132 parenting plan, or whether a court had found that a party has
133 threatened to take a child out of Florida or another state in
134 violation of a parenting plan;

135 (b) The party has strong family and community ties to
136 Florida or to other states or countries, including whether the
137 party or child is a citizen of another country;

138 (c) The party has strong financial reasons to remain in
139 Florida or to relocate to another state or country;

140 (d) The party has engaged in activities that suggest plans
141 to leave Florida, such as quitting employment; sale of a
142 residence or termination of a lease on a residence, without
143 efforts to acquire an alternative residence in the state;
144 closing bank accounts or otherwise liquidating assets; ~~or~~
145 applying for a passport or visa; or obtaining travel documents
146 for the respondent or the child;

147 (e) Either party has had a history of domestic violence as
148 either a victim or perpetrator, child abuse or child neglect
149 evidenced by criminal history, including but not limited to,
150 arrest, an injunction for protection against domestic violence
151 issued after notice and hearing under s. 741.30, medical
152 records, affidavits, or any other relevant information; ~~or~~

153 (f) The party has a criminal record; ~~-~~

154 (g) The party is likely to take the child to a country
155 that:

156 1. Is not a party to the Hague Convention on the Civil
157 Aspects of International Child Abduction and does not provide

Amendment No. 1

158 for the extradition of an abducting parent or for the return of
159 an abducted child;

160 2. Is a party to the Hague Convention on the Civil Aspects
161 of International Child Abduction, but:

162 a. The Hague Convention on the Civil Aspects of
163 International Child Abduction is not in force between this
164 country and that country;

165 b. Is noncompliant or demonstrating patterns of
166 noncompliance according to the most recent compliance report
167 issued by the United States Department of State; or

168 c. Lacks legal mechanisms for immediately and effectively
169 enforcing a return order under the Hague Convention on the Civil
170 Aspects of International Child Abduction;

171 3. Poses a risk that the child's physical or emotional
172 health or safety would be endangered in the country because of
173 specific circumstances relating to the child or because of human
174 rights violations committed against children;

175 4. Has laws or practices that would:

176 a. Enable the respondent, without due cause, to prevent
177 the petitioner from contacting the child;

178 b. Restrict the petitioner from freely traveling to or
179 exiting from the country because of the petitioner's gender,
180 nationality, marital status, or religion; or

181 c. Restrict the child's ability to legally leave the
182 country after the child reaches the age of majority because of a
183 child's gender, nationality, or religion;

184 5. Is included by the United States Department of State on
185 a current list of state sponsors of terrorism;

Amendment No. 1

186 6. Does not have an official United States diplomatic
187 presence in the country; or

188 7. Is engaged in active military action or war, including
189 a civil war, to which the child may be exposed;

190 (h) The party is undergoing a change in immigration or
191 citizenship status that would adversely affect the respondent's
192 ability to remain in this country legally;

193 (i) The party has had an application for United States
194 citizenship denied;

195 (j) The party has forged or presented misleading or false
196 evidence on government forms or supporting documents to obtain
197 or attempt to obtain a passport, a visa, travel documents, a
198 social security card, a driver's license, or other government-
199 issued identification card or has made a misrepresentation to
200 the United States government;

201 (k) The party has used multiple names to attempt to
202 mislead or defraud;

203 (l) The party has been diagnosed with a mental health
204 disorder that the court considers relevant to the risk of
205 abduction; or

206 (m) The party has engaged in any other conduct that the
207 court considers relevant to the risk of abduction.

208 (5)(4) The court must consider the party's financial
209 resources prior to setting the bond amount under this section.
210 Under no circumstances may the court set a bond that is
211 unreasonable.

Amendment No. 1

212 (6)~~(5)~~ Any deficiency of bond or security does ~~shall~~ not
213 absolve the violating party of responsibility to pay the full
214 amount of damages determined by the court.

215 (7)~~(6)~~(a) Upon a material violation of any parenting plan
216 by removing a child from this state or ~~this~~ country or by
217 concealing the whereabouts of a child, the court may order the
218 bond or other security forfeited in whole or in part.

219 (b) This section, including the requirement to post a bond
220 or other security, does not apply to a parent who, in a
221 proceeding to order or modify a parenting plan or time-sharing
222 schedule, is determined by the court to be a victim of an act of
223 domestic violence or provides the court with reasonable cause to
224 believe that he or she is about to become the victim of an act
225 of domestic violence, as defined in s. 741.28. An injunction for
226 protection against domestic violence issued pursuant to s.
227 741.30 for a parent as the petitioner which is in effect at the
228 time of the court proceeding shall be one means of demonstrating
229 sufficient evidence that the parent is a victim of domestic
230 violence or is about to become the victim of an act of domestic
231 violence, as defined in s. 741.28, and shall exempt the parent
232 from this section, including the requirement to post a bond or
233 other security. A parent who is determined by the court to be
234 exempt from the requirements of this section must meet the
235 requirements of s. 787.03(6) if an offense of interference with
236 the parenting plan or time-sharing schedule is committed.

237 (8)~~(7)~~(a) Upon an order of forfeiture, the proceeds of any
238 bond or other security posted pursuant to this subsection may
239 only be used to:

Amendment No. 1

240 1. Reimburse the nonviolating party for actual costs or
241 damages incurred in upholding the court's parenting plan.

242 2. Locate and return the child to the residence as set
243 forth in the parenting plan.

244 3. Reimburse reasonable fees and costs as determined by
245 the court.

246 (b) Any remaining proceeds shall be held as further
247 security if deemed necessary by the court, and if further
248 security is not found to be necessary; applied to any child
249 support arrears owed by the parent against whom the bond was
250 required, and if no arrears exists; all remaining proceeds will
251 be allocated by the court in the best interest of the child.

252 ~~(9)(8)~~ At any time after the forfeiture of the bond or
253 other security, the party who posted the bond or other security,
254 or the court on its own motion may request that the party
255 provide documentation substantiating that the proceeds received
256 as a result of the forfeiture have been used solely in
257 accordance with this subsection. Any party using such proceeds
258 for purposes not in accordance with this section may be found in
259 contempt of court.

260 (10) A violation of this section may subject the party
261 committing the violation to civil or criminal penalties or a
262 federal or state warrant under federal or state laws, including
263 the International Parental Kidnapping Crime Act, and may subject
264 the violating parent to apprehension by a law enforcement
265 officer.

266 Section 3. This act shall take effect January 1, 2011.

267

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

269 And the title is amended as follows:

270

271 Delete everything before the enacting clause

272 and insert:

273 A bill to be entitled

274 An act relating to child abduction prevention;

275 providing a short title; amending s. 61.45, F.S.;

276 authorizing additional persons to move to have certain

277 restrictions placed in parenting plans upon showing of

278 a risk that one party may violate the court's

279 parenting plan by removing a child from this state or

280 country or by concealing the child's whereabouts;

281 authorizing courts to impose certain restrictions in

282 parenting plans upon a specified finding; authorizing

283 a court to impose certain restrictions in addition to

284 or in lieu of a requirement that a child's passport be

285 surrendered; authorizing a court to impose specified

286 restrictions upon entry of an order to prevent removal

287 of a child from this state or country; providing

288 additional factors that may be considered in assessing

289 the risk that a party may violate a parenting plan by

290 removing a child from this state or country or by

291 concealing the child's whereabouts; providing that

292 violations may subject a violator to specified

293 penalties or other consequences; providing an

294 effective date.

295

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COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
<u>ADOPTED W/O OBJECTION</u>	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Policy Council
2 Representative(s) Rivera offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line 23 and insert:

6 Section 2. This act shall take effect July 1, 2010, and
7 shall apply to part XI of chapter 559, Florida Statutes, the
8 Florida Sellers of Travel Act, as it existed prior to July 1,
9 2008, except that this act shall also apply to any sections of
10 part XI of chapter 559, Florida Statutes, amended on or after
11 July 1, 2008, other than sections of part XI of chapter 559,
12 Florida Statutes, amended or created by chapter 2008-214, Laws
13 of Florida.

14
15
16
17 -----
18 **T I T L E A M E N D M E N T**

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19 Remove lines 8-9 and insert: nation; providing a definition;
20 providing an effective date and for application of the act.
21

22 WHEREAS, on April 14, 2009, the United States District
23 Court for the Southern District of Florida in *ABC Charters,*
24 *Inc., et al., v. Charles H. Bronson, in his official capacity as*
25 *Commissioner of Agriculture* (No. 08-21865-CIV.) reported at
26 2009 WL 1010435 (S.D.Fla.), 21 Fla. L. Weekly Fed. E 653,
27 entered a declaratory judgment in favor of plaintiff, ABC
28 Charters, Inc., holding that the amendments to the "Florida
29 Sellers of Travel Act" made by Senate Bill 1310, Chapter 2008-
30 214, Laws of Florida, are unconstitutional, and

31 WHEREAS, the Federal District Court found that the 2008
32 Travel Act Amendments are unconstitutional insofar as they are
33 preempted by federal law and violate the federal government's
34 foreign affairs power, the Foreign Commerce Clause, and the
35 Interstate Commerce Clause, and

36 WHEREAS, the Court also permanently enjoined the Florida
37 Department of Agriculture and Consumer Services from enforcing
38 the 2008 Travel Act Amendments, but also held that the "Florida
39 Sellers of Travel Act" otherwise remains unaffected by the
40 Court's Order, and

41 WHEREAS, the Court confined its order to the injunction
42 against enforcement of the 2008 legislation which amended the
43 "Florida Sellers of Travel Act" and gave leave to the Florida
44 Legislature to act in accordance with the Court's Order in
45 respect to future proposed amendments to the "Florida Sellers of
46 Travel Act," and

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47 WHEREAS, the Legislature finds that the enforceability of
48 the "Florida Sellers of Travel Act," as it existed prior to the
49 enactment of the 2008 Travel Act Amendments, remains a
50 responsibility of the Department of Agriculture and Consumer
51 Services, and

52 WHEREAS, the Legislature finds that sellers of travel who
53 provide services to persons traveling directly from Florida to a
54 "Terrorist Nation" should, at a minimum, be required to register
55 with the Florida Department of Agriculture and Consumer Services
56 and be subject to the same fees and bonding requirements that
57 are applicable to other sellers of travel, as well as the same
58 requirements related to the submission of information, the
59 disclosure of information, and the maintenance of records, and

60 WHEREAS, the Legislature further finds it necessary to
61 amend the "Florida Sellers of Travel Act" to ensure that sellers
62 of travel who provide services to persons traveling directly
63 from Florida to a "Terrorist Nation" are not exempt from having
64 to meet such requirements under the "Florida Sellers of Travel
65 Act," as it existed prior to the 2008 Travel Act Amendments, and

66 WHEREAS, the Legislature recognizes that by precluding
67 sellers of travel who provide services to persons traveling
68 directly from Florida to a "Terrorist Nation" from claiming an
69 exemption, such sellers of travel will be effectively denied an
70 exemption that may be available to other sellers of travel, and
71 that might otherwise be available to them *but for* the fact that
72 they provide travel services to persons traveling directly from
73 Florida to a "Terrorist Nation," and

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 1277 (2010)

Amendment No. 1

74 WHEREAS, notwithstanding the aforementioned recognition,
75 the Legislature further finds that, in order to protect
76 consumers and to provide a modicum of safety to its citizens, it
77 is necessary and altogether prudent and rational to distinguish
78 sellers of travel who provide services to persons traveling
79 directly from Florida to a "Terrorist Nation" from other sellers
80 of travel in regard to the availability of exemptions from
81 registration and that to do so creates a small burden upon them
82 and does not infringe upon or conflict in any way with federal
83 policy or regulation of such sellers of travel, NOW, THEREFORE,
84