



Judiciary Committee

Wednesday, February 22, 2012

8:00AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**William Snyder
Chair**

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

Summary:

Judiciary Committee

Wednesday February 22, 2012 08:00 am

CS/HB 5	Favorable	Yeas: 15	Nays: 2
CS/HB 37	Favorable	Yeas: 15	Nays: 0
CS/SB 98	Favorable With Amendments	Yeas: 11	Nays: 4
Amendment 072607 Adopted Without Objection			
CS/CS/HB 177	Favorable With Committee Substitute	Yeas: 15	Nays: 3
Amendment 663307 Adopted Without Objection			
CS/HB 213	Favorable With Committee Substitute	Yeas: 14	Nays: 2
Amendment 006307 Failed to Adopt			
Amendment 647667 Adopted Without Objection			
Amendment 972325 Withdrawn			
CS/HB 233	Favorable With Committee Substitute	Yeas: 17	Nays: 1
Amendment 320255 Adopted Without Objection			
CS/CS/HB 319	Favorable With Committee Substitute	Yeas: 13	Nays: 2
Amendment 576969 Adopted Without Objection			
Amendment 617391 Adopted Without Objection			
Amendment 750347 Withdrawn			
CS/CS/HB 455	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 656125 Adopted Without Objection			
CS/CS/CS/HB 481	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 323217 Adopted Without Objection			
HB 609	Favorable With Committee Substitute	Yeas: 12	Nays: 6
Amendment 467847 Failed to Adopt			
Amendment 020083 Failed to Adopt			
Amendment 039561 Failed to Adopt			
Amendment 292357 Adopted Without Objection			
Amendment 439369 Withdrawn			
Amendment 797485 Not Considered			
HB 777	Favorable	Yeas: 17	Nays: 0
CS/HB 885	Favorable	Yeas: 18	Nays: 0
CS/HB 921	Favorable With Committee Substitute	Yeas: 9	Nays: 6
Amendment 503191 Adopted Without Objection			

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

Summary: (continued)

Judiciary Committee

Wednesday February 22, 2012 08:00 am

CS/HB 947	Favorable With Committee Substitute	Yeas: 17	Nays: 0
	Amendment 905267 Adopted Without Objection		
CS/HB 1173	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 100863 Adopted Without Objection		
HB 1195	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 430969 Adopted Without Objection		
HB 1209	Favorable	Yeas: 14	Nays: 1
CS/HB 1323	Favorable	Yeas: 18	Nays: 0
HB 7047	Favorable With Committee Substitute	Yeas: 18	Nays: 0
	Amendment 702811 Adopted Without Objection		

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Daphne Campbell	X		
Eric Eisnaugle	X		
Matt Gaetz	X		
Tom Goodson	X		
Bill Hager	X		
Gayle Harrell	X		
Shawn Harrison	X		
John Julien	X		
Charles McBurney	X		
Larry Metz	X		
Kathleen Passidomo	X		
Ray Pilon	X		
Ari Porth	X		
Elaine Schwartz	X		
Darren Soto	X		
Richard Steinberg	X		
Michael Weinstein	X		
Totals:	18	0	0

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 5 : Juvenile Offenders

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle					X
Matt Gaetz		X			
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 2			

Appearances:

CS/HB 5

Dillinger, Bob (State Employee) - Opponent
Public Defender, 6th Judicial Circuit
Criminal Justice Center
Clearwater FL 33762
Phone: (727) 464-6865

CS/HB 5

Summers, Shane (General Public) - Waive In Support
Captain, Florida Sheriffs Association
P.O Box 569
Deland FL 32724
Phone: (386) 736-5961

CS/HB 5

Moreland, Earl (State Employee) - Waive In Support
State Attorney, Florida Prosecuting Attorney's Association
12th Judicial Circuit
FL
Phone: (850) 356-3786

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 5 : Juvenile Offenders (continued)

Appearances: (continued)

CS/HB 5

Messersmith, Frank (Lobbyist) - Proponent

Florida Sheriffs Association

2901 Bradford

Tallahassee FL 32317

Phone: (850) 576-5858

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 37 : Knowingly and Willfully Giving False Information to a Law Enforcement Officer

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle				X	
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell			X		
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

CS/HB 37

Pitts, Brian (General Public) - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/SB 98 : Education

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager			X		
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz				X	
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 11		Total Nays: 4			

CS/SB 98 Amendments

Amendment 072607

Adopted Without Objection

Appearances:

CS/SB 98

Fort, Pamela Burch (Lobbyist) - Opponent
American Civil Liberties Union of Florida
104 S. Monroe St.
Tallahassee FL 32301
Phone: (850) 425-1344

CS/SB 98

Pitts, Brian (General Public) - Proponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/SB 98 : Education (continued)

Appearances: (continued)

CS/SB 98

Hall, Kris Anne (General Public) - Proponent
Attorney, Constitutional Ed & Consulting
8220 25th Dr
Wellborn FL 32094
Phone: (386) 466-4556

CS/SB 98

Bujak, Barbara (General Public) - Opponent
1719 Grove Park Dr
Orange Park FL 32073
Phone: (904) 269-9815

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/SB 98 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Porth offered the following:

3
4 **Amendment**

5 Remove lines 26-27 and insert:

6 2. Review the content of a student volunteer's
7 inspirational message.
8

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/CS/HB 177 : Inmate Reentry

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle		X			
Matt Gaetz		X			
Tom Goodson		X			
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 3			

CS/CS/HB 177 Amendments

Amendment 663307

Adopted Without Objection

Appearances:

CS/CS/HB 177

Moreland, Earl (State Employee) - Waive In Support

Florida Prosecuting Attorney's Association

12th Judicial Circuit

FL

Phone: (850) 356-3786

CS/CS/HB 177

Gabbard, Jim (Lobbyist) - Waive In Opposition

The Florida Police Chiefs Association

P.O Box 14038

Tallahassee FL 32317

Phone: (850) 219-3640

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/CS/HB 177 : Inmate Reentry (continued)

Appearances: (continued)

CS/CS/HB 177

Fontaine, Mark (Lobbyist) - Waive In Support

Executive Director, Florida Alcohol & Drug Abuse Association, Inc

2868 Mahan Dr Ste 1

Tallahassee FL 32308

Phone: (850) 878-2196

CS/CS/HB 177

Dillinger, Bob (State Employee) - Waive In Support

Public Defender, 6th Judicial Circuit

Criminal Justice Center

Clearwater FL 33762

Phone: (727) 464-6865

CS/CS/HB 177

Pitts, Brian (General Public) - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 177 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Porth offered the following:

4 **Amendment (with title amendment)**

5 Remove lines 251-297 and insert:

6 (8) (a) The department shall submit a report to the
7 sentencing court at least 30 days before the nonviolent offender
8 is scheduled to complete the reentry program. The report must
9 describe the offender's performance in the reentry program and
10 certify whether the performance is satisfactory. The court may
11 schedule a hearing to consider any modification to the imposed
12 sentence. Notwithstanding the eligibility criteria contained in
13 s. 948.20, if the offender's performance is satisfactory to the
14 department and the court, the court shall issue an order
15 modifying the sentence imposed and placing the offender on drug
16 offender probation, as defined in s. 948.20(2), subject to the
17 department's certification of the offender's successful
18 completion of the remainder of the reentry program. The term of
19 drug offender probation must not be less than the remainder of

Amendment No. 1

20 time that the offender would have served in prison, but for
21 participating in the program. A condition of drug offender
22 probation may include placement in a community residential or
23 nonresidential licensed substance abuse treatment facility under
24 the jurisdiction of the department or the Department of Children
25 and Family Services or any public or private entity providing
26 such services. The order shall include findings that the
27 offender's performance is satisfactory, the requirements for
28 resentencing under this section are satisfied, and that the
29 public safety will not be compromised. If the nonviolent
30 offender violates the conditions of drug offender probation, the
31 court may revoke probation and impose any sentence that it might
32 have originally imposed. No offender may be released from the
33 custody of the department under this section except pursuant to
34 a judicial order modifying a sentence.

35 (b) If an offender being released pursuant to paragraph
36 (a) intends to reside in a county that has established a
37 postadjudicatory drug court program as described in s. 397.334,
38 the sentencing court may require the offender to successfully
39 complete the postadjudicatory drug court program as a condition
40 of drug offender probation. The original sentencing court shall
41 relinquish jurisdiction of the offender's case to the
42 postadjudicatory drug court program until the offender is no
43 longer active in the program, the case is returned to the
44 sentencing court due to the offender's termination from the
45 program for failure to comply with the terms thereof, or the
46 offender's sentence is completed. If transferred to a

Amendment No. 1

47 postadjudicatory drug court program, the offender shall comply
48 with all conditions and orders of the program.

49

50

51

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

52

Remove lines 46-50 and insert:

53

addressed in the report; providing a court may schedule a

54

hearing to consider any modifications to an imposed sentence;

55

requiring the sentencing court to issue an order modifying the

56

sentence imposed and placing the nonviolent offender on drug

57

offender probation if the nonviolent offender's performance is

58

satisfactory;

59

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 213 : Mortgage Foreclosures

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			X		
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager			X		
Gayle Harrell	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto		X			
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 2			

CS/HB 213 Amendments

Amendment 006307

Failed to Adopt

Amendment 647667

Adopted Without Objection

Amendment 972325

Withdrawn

Appearances:

CS/HB 213

McCormack, Fred (Lobbyist) - Waive In Support

Provest LLC

4520 Seedling Cir

Tampa FL 33614

Phone: (850)681-6111

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 213 : Mortgage Foreclosures (continued)

Appearances: (continued)

CS/HB 213

Maynard, Zollie (Lobbyist) - Waive In Support
Provest LLC
4520 Seedling Cir
Tampa FL 33614
Phone: (850)681-0980

CS/HB 213

Fields, Alan (Lobbyist) - Waive In Support
Florida Land Title Association
249 E. Virginia Street
Tallahassee Florida
Phone: 727-773-6664

CS/HB 213

DiMarco, Anthony (Lobbyist) - Opponent
Florida Bankers Association
1001 Thomasville Rd Ste 201
Tallahassee FL 32302-1360
Phone: (850)224-2265

CS/HB 213

Perry, Booker T. (General Public) - Opponent
Federations of Congregations United to Serve (FOCUS)
2040 Rogers Avenue
Maitland FL 32751
Phone: 321-263-6984

CS/HB 213

Gabel, Susan (General Public) - Information Only
FOCUS/PICO United Florida
535 N Interlachen Avenue, #306
Winter Park FL 32789
Phone: 407-671-7202

CS/HB 213

Stuart, Mark (General Public) - Opponent
self
513 Innergary Place
Valrico FL 33594
Phone: 904-796-8566

CS/HB 213

Pitts, Brian - Opponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 213 : Mortgage Foreclosures (continued)

Appearances: (continued)

CS/HB 213

Gillis, Ronald (General Public) - Opponent

P O Box 380842

Murdock FL 33938

Phone: 941-766-8279

CS/HB 213

Schoder, Karen (General Public) - Waive In Opposition

Save America Foundation

2196 Shelby Court

Chipley FL 32428

Phone: 954-864-0530

CS/HB 213

Lilley, Deborah (General Public) - Waive In Opposition

Port Charlotte FL

Phone: 941-467-5388

CS/HB 213

Gardonyi, Frank (General Public) - Waive In Opposition

2196 Shelby Court

Sunny Hills FL

Phone: 850-303-0029

CS/HB 213

Vickers, Alice (Lobbyist) - Opponent

Florida Consumer Action Network

623 Beard Street

Tallahassee FL 32303

Phone: 850-556-3121

CS/HB 213

Hendricks, Larry (General Public) - Opponent

406 Alpha Avenue

Tallahassee FL 32305

Phone: 850-778-6640

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favourable
2.22.12*

Committee/Subcommittee hearing bill: Judiciary Committee

Representative Passidomo offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 95.11, Florida Statutes, is amended, and paragraph (h) is added to subsection (5) of that section, to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.—

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of ss. 255.05(10) and 713.23(1)(e), and except for certain actions for a deficiency judgment governed by paragraph (5)(h).

(5) WITHIN ONE YEAR.—

Amendment No. 1

20 (h) An action to enforce a claim of a deficiency related
21 to a note secured by a mortgage against a residential property
22 that is a one-family to four-family dwelling unit. The
23 limitations period shall commence on the 11th day after the
24 foreclosure sale or the day after the mortgagee accepts a deed
25 in lieu of foreclosure.

26 Section 2. The amendment to s. 95.11, Florida Statutes,
27 made by this act shall apply to any action commenced on or after
28 July 1, 2012, regardless of when the cause of action accrued,
29 except that any action that would not have been barred under s.
30 95.11(2)(b), Florida Statutes, prior to the amendments made by
31 this act may be commenced no later than 5 years after the action
32 accrued and in no event later than July 1, 2013, and if the
33 action is not commenced by that date, it is barred by the
34 amendments made by this act.

35 Section 3. Section 702.015, Florida Statutes, is created
36 to read:

37 702.015 Elements of complaint; lost, destroyed, or stolen
38 note affidavit.—

39 (1) A complaint that seeks to foreclose a mortgage or
40 other lien on residential real property, including individual
41 units of condominiums and cooperatives, designed principally for
42 occupation by from one to four families, but not including an
43 interest in a timeshare property, which secures a promissory
44 note must:

45 (a) Contain affirmative allegations expressly made by the
46 plaintiff at the time the proceeding is commenced that the
47 plaintiff is the holder of the original note secured by the

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48 mortgage; or

49 (b) Allege with specificity the factual basis by which the
50 plaintiff is a person entitled to enforce the note under s.
51 673.3011.

52 (2) If a party has been delegated the authority to
53 institute a mortgage foreclosure action on behalf of the holder
54 of the note, the complaint shall describe the authority of the
55 plaintiff and identify, with specificity, the document that
56 grants the plaintiff the authority to act on behalf of the
57 holder of the note. This subsection is intended to require
58 initial disclosure of status and pertinent facts and not to
59 modify law regarding standing or real parties in interest.

60 (3) If the plaintiff is in physical possession of the
61 original promissory note, the plaintiff must file with the
62 court, contemporaneously with and as a condition precedent to
63 the filing of the complaint for foreclosure, certification,
64 under penalty of perjury, that the plaintiff is in physical
65 possession of the original promissory note. The certification
66 must set forth the physical location of the note, the name and
67 title of the individual giving the certification, the name of
68 the person who personally verified such physical possession, and
69 the time and date on which the possession was verified. Correct
70 copies of the note and all allonges to the note must be attached
71 to the certification. The original note and the allonges must be
72 filed with the court before the entry of any judgment of
73 foreclosure or judgment on the note.

74 (4) If the plaintiff seeks to enforce a lost, destroyed,
75 or stolen instrument, an affidavit executed under penalty of

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Amendment No. 1

76 perjury must be attached to the complaint. The affidavit must:

77 (a) Detail a clear chain of all endorsements or
78 assignments of the promissory note that is the subject of the
79 action.

80 (b) Set forth facts showing that the plaintiff is entitled
81 to enforce a lost, destroyed, or stolen instrument pursuant to
82 s. 673.3091.

83 (c) Include as exhibits to the affidavit such copies of
84 the note and the allonges to the note, audit reports showing
85 physical receipt of the original note, or other evidence of the
86 acquisition, ownership, and possession of the note as may be
87 available to the plaintiff.

88 (5) The Legislature intends that the requirements of this
89 section are to expedite the foreclosure process by ensuring
90 initial disclosure of a plaintiff's status and the facts
91 supporting that status and thereby ensuring the availability of
92 documents necessary to the prosecution of the case. This section
93 is not intended to modify existing law regarding standing or
94 real parties in interest. The court may sanction the plaintiff
95 for failure to comply with this section, but any noncompliance
96 with this section does not affect the validity of a foreclosure
97 sale or title to real property subsequent to a foreclosure sale.

98 Section 4. Section 702.06, Florida Statutes, is amended to
99 read:

100 702.06 Deficiency decree; common-law suit to recover
101 deficiency.—In all suits for the foreclosure of mortgages
102 heretofore or hereafter executed the entry of a deficiency
103 decree for any portion of a deficiency, should one exist, may

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Amendment No. 1

104 not exceed the difference between the judgment amount or, in the
105 case of a short sale, the outstanding debt, and the fair market
106 value of the property on the date of sale., ~~shall be within the~~
107 ~~sound judicial discretion of the court, but~~ The complainant
108 shall also have the right to sue at common law to recover such
109 deficiency, unless the court in the foreclosure action has
110 granted or denied a claim for a deficiency judgment ~~provided no~~
111 ~~suit at law to recover such deficiency shall be maintained~~
112 ~~against the original mortgagor in cases where the mortgage is~~
113 ~~for the purchase price of the property involved and where the~~
114 ~~original mortgagee becomes the purchaser thereof at foreclosure~~
115 ~~sale and also is granted a deficiency decree against the~~
116 ~~original mortgagor.~~

117 Section 5. Section 702.10, Florida Statutes, is amended to
118 read:

119 702.10 Order to show cause; entry of final judgment of
120 foreclosure; payment during foreclosure.-

121 (1) A lienholder ~~After a complaint in a foreclosure~~
122 ~~proceeding has been filed, the mortgagee may request an order to~~
123 ~~show cause for the entry of final judgment in a foreclosure~~
124 ~~action. For purposes of this section, the term "lienholder"~~
125 includes the plaintiff and a defendant to the action who holds a
126 lien encumbering the property or a defendant who, by virtue of
127 its status as a condominium association, cooperative
128 association, or homeowners' association, may file a lien against
129 the real property subject to foreclosure. Upon filing, and the
130 court shall immediately review the request and the court file in
131 chambers and without a hearing ~~complaint.~~ If, upon examination

Amendment No. 1

132 of the court file ~~complaint~~, the court finds that the complaint
133 is verified, complies with s. 702.015, and alleges a cause of
134 action to foreclose on real property, the court shall promptly
135 issue an order directed to the other parties named in the action
136 ~~defendant~~ to show cause why a final judgment of foreclosure
137 should not be entered.

138 (a) The order shall:

139 1. Set the date and time for a hearing ~~on the order~~ to
140 show cause. ~~However,~~ The date for the hearing may not occur ~~be~~
141 ~~set~~ sooner than the later of 20 days after the service of the
142 order to show cause or 45 days after the service of the initial
143 complaint. When service is obtained by publication, the date for
144 the hearing may not be set sooner than 55 ~~30~~ days after the
145 first publication. ~~The hearing must be held within 60 days after~~
146 ~~the date of service. Failure to hold the hearing within such~~
147 ~~time does not affect the validity of the order to show cause or~~
148 ~~the jurisdiction of the court to issue subsequent orders.~~

149 2. Direct the time within which service of the order to
150 show cause and the complaint must be made upon the defendant.

151 3. State that the filing of defenses by a motion,
152 responsive pleading, affidavits, or other papers ~~or by a~~
153 ~~verified or sworn answer at or before the hearing to show cause~~
154 may constitute ~~constitutes~~ cause for the court not to enter ~~the~~
155 ~~attached~~ final judgment.

156 4. State that a ~~the~~ defendant has the right to file
157 affidavits or other papers before ~~at~~ the time of the hearing to
158 show cause and may appear personally or by way of an attorney at
159 the hearing.

Amendment No. 1

160 5. State that, if a the defendant files defenses by a
161 motion, a verified or sworn answer, affidavits, or other papers
162 or appears personally or by way of an attorney at the time of
163 the hearing, the hearing time will may be used to hear and
164 consider the defendant's motion, answer, affidavits, other
165 papers, and other evidence and argument as may be presented by
166 the defendant or the defendant's attorney. The order shall also
167 state that the court may enter an order of final judgment of
168 foreclosure at the hearing. If such a determination is entered,
169 the court shall enter a final judgment of foreclosure ordering
170 the clerk of the court to conduct a foreclosure sale.

171 6. State that, if a the defendant fails to appear at the
172 hearing to show cause or fails to file defenses by a motion or
173 by a verified or sworn answer or files an answer not contesting
174 the foreclosure, such the defendant may be considered to have
175 waived the right to a hearing, and in such case, the court may
176 enter a default against such defendant and, if appropriate, a
177 final judgment of foreclosure ordering the clerk of the court to
178 conduct a foreclosure sale.

179 7. State that if the mortgage provides for reasonable
180 attorney attorney's fees and the requested attorney attorney's
181 fees do not exceed 3 percent of the principal amount owed at the
182 time of filing the complaint, it is unnecessary for the court to
183 hold a hearing or adjudge the requested attorney attorney's fees
184 to be reasonable.

185 8. Attach the form of the proposed final judgment of
186 foreclosure which the movant requests the court to will enter,
187 ~~if the defendant waives the right to be heard at the hearing on~~

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Amendment No. 1

188 the order to show cause. The form may contain blanks for the
189 court to enter the amounts due.

190 9. Require the party seeking final judgment mortgagee to
191 serve a copy of the order to show cause on the other parties the
192 mortgager in the following manner:

193 a. If a party the mortgager has been personally served
194 with the complaint and original process, or the other party is
195 the plaintiff in the action, service of the order to show cause
196 on that party order may be made in the manner provided in the
197 Florida Rules of Civil Procedure.

198 b. If a defendant the mortgager has not been personally
199 served with the complaint and original process, the order to
200 show cause, together with the summons and a copy of the
201 complaint, shall be served on the party mortgager in the same
202 manner as provided by law for original process.

203
204 Any final judgment of foreclosure entered under this subsection
205 is for in rem relief only. ~~Nothing in~~ This subsection does not
206 ~~shall~~ preclude the entry of a deficiency judgment where
207 otherwise allowed by law. It is the intent of the Legislature
208 that this alternative procedure may run simultaneously with
209 other court procedures.

210 (b) The right to be heard at the hearing to show cause is
211 waived if a the defendant, after being served as provided by law
212 with an order to show cause, engages in conduct that clearly
213 shows that the defendant has relinquished the right to be heard
214 on that order. The defendant's failure to file defenses by a
215 motion or by a sworn or verified answer, affidavits, or other

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Amendment No. 1

216 papers or to appear personally or by way of an attorney at the
217 hearing duly scheduled on the order to show cause presumptively
218 constitutes conduct that clearly shows that the defendant has
219 relinquished the right to be heard. If a defendant files
220 defenses by a motion, ~~or by~~ a verified or sworn answer,
221 affidavits, or other papers at or before the hearing, such
222 action may constitute ~~constitutes~~ cause and may preclude
223 ~~precludes~~ the entry of a final judgment at the hearing to show
224 cause.

225 (c) In a mortgage foreclosure proceeding, when a final
226 ~~default~~ judgment of foreclosure has been entered against the
227 mortgagor and the note or mortgage provides for the award of
228 reasonable attorney ~~attorney's~~ fees, it is unnecessary for the
229 court to hold a hearing or adjudge the requested attorney
230 ~~attorney's~~ fees to be reasonable if the fees do not exceed 3
231 percent of the principal amount owed on the note or mortgage at
232 the time of filing, even if the note or mortgage does not
233 specify the percentage of the original amount that would be paid
234 as liquidated damages.

235 (d) If the court finds that all defendants have the
236 ~~defendant has~~ waived the right to be heard as provided in
237 paragraph (b), the court shall promptly enter a final judgment
238 of foreclosure without the need for further hearing if the
239 plaintiff has shown entitlement to a final judgment and upon the
240 filing with the court of original note, satisfaction of the
241 conditions for establishment of a lost note, or upon a showing
242 to the court that the obligation to be foreclosed is not
243 evidenced by a promissory note or other negotiable instrument.

Amendment No. 1

244 If the court finds that a ~~the~~ defendant has not waived the right
245 to be heard on the order to show cause, the court shall ~~then~~
246 determine whether there is cause not to enter a final judgment
247 of foreclosure. If the court finds that the defendant has not
248 shown cause, the court shall promptly enter a judgment of
249 foreclosure. If the time allotted for the hearing is
250 insufficient, the court may announce at the hearing a date and
251 time for the continued hearing. Only the parties who appear,
252 individually or through an attorney, at the initial hearing must
253 be notified of the date and time of the continued hearing.

254 (2) This subsection does not apply to foreclosure of an
255 owner-occupied residence. As part of any other ~~In an~~ action for
256 foreclosure, and in addition to any other relief that the court
257 may award ~~other than residential real estate,~~ the plaintiff the
258 mortgagee may request that the court enter an order directing
259 the mortgagor defendant to show cause why an order to make
260 payments during the pendency of the foreclosure proceedings or
261 an order to vacate the premises should not be entered.

262 (a) The order shall:

263 1. Set the date and time for hearing on the order to show
264 cause. However, the date for the hearing may ~~shall~~ not be set
265 sooner than 20 days after the service of the order. If ~~where~~
266 service is obtained by publication, the date for the hearing may
267 ~~shall~~ not be set sooner than 30 days after the first
268 publication.

269 2. Direct the time within which service of the order to
270 show cause and the complaint shall be made upon each ~~the~~
271 defendant.

Amendment No. 1

272 3. State that a ~~the~~ defendant has the right to file
273 affidavits or other papers at the time of the hearing and may
274 appear personally or by way of an attorney at the hearing.

275 4. State that, if a ~~the~~ defendant fails to appear at the
276 hearing to show cause and fails to file defenses by a motion or
277 by a verified or sworn answer, the defendant is ~~may be~~ deemed to
278 have waived the right to a hearing and in such case the court
279 may enter an order to make payment or vacate the premises.

280 5. Require the movant mortgagee to serve a copy of the
281 order to show cause on the defendant mortgagor in the following
282 manner:

283 a. If a defendant ~~the mortgagor~~ has been served with the
284 complaint and original process, service of the order may be made
285 in the manner provided in the Florida Rules of Civil Procedure.

286 b. If a defendant ~~the mortgagor~~ has not been served with
287 the complaint and original process, the order to show cause,
288 together with the summons and a copy of the complaint, shall be
289 served on the defendant mortgagor in the same manner as provided
290 by law for original process.

291 (b) The right of a defendant to be heard at the hearing to
292 show cause is waived if the defendant, after being served as
293 provided by law with an order to show cause, engages in conduct
294 that clearly shows that the defendant has relinquished the right
295 to be heard on that order. A ~~The~~ defendant's failure to file
296 defenses by a motion or by a sworn or verified answer or to
297 appear at the hearing duly scheduled on the order to show cause
298 presumptively constitutes conduct that clearly shows that the
299 defendant has relinquished the right to be heard.

Amendment No. 1

300 (c) If the court finds that a ~~the~~ defendant has waived the
301 right to be heard as provided in paragraph (b), the court may
302 promptly enter an order requiring payment in the amount provided
303 in paragraph (f) or an order to vacate.

304 (d) If the court finds that the mortgagor has not waived
305 the right to be heard on the order to show cause, the court
306 shall, at the hearing on the order to show cause, consider the
307 affidavits and other showings made by the parties appearing and
308 make a determination of the probable validity of the underlying
309 claim alleged against the mortgagor and the mortgagor's
310 defenses. If the court determines that the plaintiff mortgagee
311 is likely to prevail in the foreclosure action, the court shall
312 enter an order requiring the mortgagor to make the payment
313 described in paragraph (e) to the plaintiff mortgagee and
314 provide for a remedy as described in paragraph (f). However, the
315 order shall be stayed pending final adjudication of the claims
316 of the parties if the mortgagor files with the court a written
317 undertaking executed by a surety approved by the court in an
318 amount equal to the unpaid balance of the lien being foreclosed
319 ~~the mortgage on the property~~, including all principal, interest,
320 unpaid taxes, and insurance premiums paid by the plaintiff ~~the~~
321 mortgagee.

322 (e) If ~~In the event~~ the court enters an order requiring
323 the mortgagor to make payments to the plaintiff mortgagee,
324 payments shall be payable at such intervals and in such amounts
325 provided for in the mortgage instrument before acceleration or
326 maturity. The obligation to make payments pursuant to any order
327 entered under this subsection shall commence from the date of

Amendment No. 1

328 the motion filed under this section hereunder. The order shall
329 be served upon the mortgagor no later than 20 days before the
330 date specified for the first payment. The order may permit, but
331 ~~may shall~~ not require, the plaintiff mortgagee to take all
332 appropriate steps to secure the premises during the pendency of
333 the foreclosure action.

334 (f) ~~If in the event~~ the court enters an order requiring
335 payments, the order shall also provide that the plaintiff is
336 ~~mortgagee shall be~~ entitled to possession of the premises upon
337 the failure of the mortgagor to make the payment required in the
338 order unless at the hearing on the order to show cause the court
339 finds good cause to order some other method of enforcement of
340 its order.

341 (g) All amounts paid pursuant to this section shall be
342 credited against the mortgage obligation in accordance with the
343 terms of the loan documents; ~~provided, however, that any~~
344 payments made under this section do shall not constitute a cure
345 of any default or a waiver or any other defense to the mortgage
346 foreclosure action.

347 (h) Upon the filing of an affidavit with the clerk that
348 the premises have not been vacated pursuant to the court order,
349 the clerk shall issue to the sheriff a writ for possession which
350 shall be governed by the provisions of s. 83.62.

351 (i) For purposes of this subsection, there is a rebuttable
352 presumption that a residential property for which a homestead
353 exemption for taxation was granted according to the certified
354 rolls of the latest assessment by the county property appraiser,
355 before the filing of the foreclosure action, is an owner-

Amendment No. 1

356 occupied residential property.

357 (3) The Supreme Court is requested to amend the Florida
358 Rules of Civil Procedure to provide for expedited foreclosure
359 proceedings in conformity with this section and is requested to
360 develop and publish forms for use under this section.

361 Section 6. Section 702.11, Florida Statutes, is created to
362 read:

363 702.11 Expedited foreclosure of abandoned residential real
364 property.-

365 (1) As used in this section, the term "abandoned
366 residential real property" means residential real property that
367 is deemed abandoned upon a showing that:

368 (a) A duly licensed process server unaffiliated with the
369 owner or servicer of any mortgage on the residential real
370 property or with the attorney or law firm representing such
371 owner or servicer has made at least three attempts to locate an
372 occupant of the residential real property. The attempts must
373 have been made at least 72 hours apart, and at least one each of
374 such attempts must have been made before 12 p.m., between 12
375 p.m. and 6 p.m., and between 6 p.m. and 10 p.m. Each attempt
376 must include physically knocking or ringing at the door of the
377 residential real property and such other efforts as are normally
378 sufficient to obtain a response from an occupant.

379 (b) Two or more of the following conditions exist:

380 1. Windows or entrances to the premises are boarded up or
381 closed off or multiple window panes are broken and unrepaired.

382 2. Doors to the premises are smashed through, broken off,
383 unhinged, or continuously unlocked.

Amendment No. 1

384 3. Rubbish, trash, or debris has accumulated on the
385 mortgaged premises.

386 4. The premises are deteriorating and are below or in
387 imminent danger of falling below minimum community standards for
388 public safety and sanitation.

389 5. If the premises are a part of a condominium or are
390 governed by a mandatory homeowners' association, the manager or
391 other representative of the association has confirmed that
392 assessments for the unit are at least 90 days delinquent.

393 6. Interviews with at least two neighbors in different
394 households indicate that the residence has been abandoned. The
395 neighbors must be adjoining, across the street in view of the
396 home, or across the hall or adjacent to the unit in a
397 condominium or cooperative.

398
399 The sheriff or process server making attempts to locate an
400 occupant of the residential real property and to determine the
401 abandoned status of the residential real property may provide,
402 by affidavit and photographic or other documentation, evidence
403 of the condition of the residential real property, and may
404 charge a reasonable fee for the attempts and for any affidavit
405 or other documentation evidencing the condition of the
406 residential real property.

407 (2) (a) The party entitled to enforce the note and mortgage
408 encumbering the residential real property appearing to be
409 abandoned may file a petition before the court seeking to
410 determine the status of the residential real property and to
411 invoke an expedited foreclosure proceeding relating to the

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Amendment No. 1

412 property. Upon the filing of an affidavit of diligent search and
413 inquiry and the affidavit or documentary evidence set forth in
414 subsection (1), the court shall, upon request of the petitioner,
415 issue one or more subpoenas to the utility companies serving the
416 residential real property commanding disclosure of the status of
417 utility service to the subject property, including whether
418 utilities are currently turned off and whether all outstanding
419 utility payments have been made and, if so, by whom.

420 (b) If, after review of the response of the utility
421 companies to the subpoenas and all other matters of record, the
422 court may deem the property to have been abandoned and the
423 plaintiff entitled to expedited foreclosure.

424 Section 7. The amendments to s. 702.10, Florida Statutes,
425 and the creation of s. 702.11, Florida Statutes, by this act are
426 remedial in nature and shall apply to causes of action pending
427 on the effective date of this act. Section 702.015, Florida
428 Statutes, as created by this act, applies to cases filed on or
429 after July 1, 2012.

430 Section 8. The Legislature finds that this act is remedial
431 in nature. Accordingly, it is the intent of the Legislature that
432 this act shall apply to all mortgages encumbering real property
433 and all promissory notes secured by a mortgage, whether executed
434 before, on, or after the effective date of this act.

435 Section 9. This act shall take effect upon becoming a law.
436
437
438
439

Amendment No. 1

440

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

441

Remove the entire title and insert:

442

An act relating to mortgage foreclosures; amending s. 95.11,

443

F.S.; reducing the limitations period for commencing an action

444

to enforce a claim of a deficiency judgment subsequent to a

445

foreclosure action; providing for application to existing causes

446

of action; creating s. 702.015, F.S.; specifying required

447

contents of a complaint seeking to foreclose on certain types of

448

residential properties with respect to the authority of the

449

plaintiff to foreclose on the note and the location of the note;

450

providing legislative intent; providing that failure to file

451

such documents does not affect title to property subsequent to a

452

foreclosure sale; amending s. 702.06, F.S.; limiting the amount

453

of a deficiency judgment; amending s. 702.10, F.S.; expanding

454

the class of persons authorized to move for expedited

455

foreclosure; defining the term "lienholder"; providing

456

requirements and procedures with respect to an order directed to

457

defendants to show cause why a final judgment of foreclosure

458

should not be entered; providing that certain failures by a

459

defendant to make certain filings or to make certain appearances

460

may have specified legal consequences; requiring the court to

461

enter a final judgment of foreclosure and order a foreclosure

462

sale under certain circumstances; amending a restriction on a

463

mortgagee to request a court to order a mortgagor defendant to

464

make payments or to vacate the premises during an action to

465

foreclose on residential real estate to provide that the

466

restriction applies to all but owner-occupied residential

467

property; providing a presumption regarding owner-occupied

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 213 (2012)

Amendment No. 1

468 residential property; requesting the Supreme Court to adopt
469 rules and forms for use in expedited foreclosure proceedings;
470 creating s. 702.11, F.S.; establishing expedited foreclosure
471 proceedings for abandoned residential real property and
472 procedures and requirements with respect thereto; providing for
473 application of the act; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 213 (2012)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

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

*Unfavorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Soto offered the following:

3
4 **Amendment to Amendment (647667) by Representative Passidomo**
5 **(with title amendment)**

6 Remove lines 35-97 of the amendment and insert:

7 Section 3. Section 702.015, Florida Statutes, is created
8 to read:

9 702.015 Elements of complaint; lost, destroyed, or stolen
10 note affidavit.-

11 (1) Any complaint that seeks to foreclose a mortgage or
12 other lien on residential real property, including individual
13 units of condominiums and cooperatives, designed principally for
14 occupation by from one to four families, but not including an
15 interest in a timeshare property, which secures a promissory
16 note must include at the commencement of the proceeding:

17 (a) Affirmative, certified allegations expressly made by
18 the plaintiff at the time the proceeding is commenced that the

Amendment No. 1a

19 plaintiff is the owner and holder of the original note secured
20 by the mortgage and the mortgage; or

21 (b) Allege with specificity and certify the factual basis
22 by which the plaintiff is a person entitled to enforce the note
23 under s. 673.3011.

24 (2) If a party has been delegated the authority to
25 institute a mortgage foreclosure action on behalf of the owner
26 and holder of the note and mortgage, the complaint shall
27 describe and verify the authority of the plaintiff and identify,
28 with specificity, the document that grants the plaintiff the
29 authority to act on behalf of the owner and holder of the note
30 and mortgage. The document granting authority shall be attached
31 to the complaint. This subsection is intended to require initial
32 disclosure of status and pertinent facts and not to modify law
33 regarding standing or real parties in interest.

34 (3) If the plaintiff is in physical possession of the
35 original promissory note, the plaintiff must file with the
36 court, contemporaneously with and as a condition precedent to
37 the filing of the complaint for foreclosure, certification,
38 under penalty of perjury, that the plaintiff is in physical
39 possession of the original promissory note. The certification
40 must set forth the physical location of the note, the name,
41 title and authority of the individual giving the certification,
42 the name, title and authority of the person who personally
43 verified such physical possession, and the time and date on
44 which the possession was verified. Correct copies of the note
45 and all allonges to the note must be attached to the complaint
46 and certification. The original note, allonges and mortgage must

Amendment No. 1a

47 be filed with the court before the entry of any judgment of
48 foreclosure or judgment on the note and mortgage.

49 (4) If the plaintiff seeks to enforce a lost, destroyed,
50 or stolen instrument, an affidavit executed under penalty of
51 perjury must be attached to the complaint. The affidavit must:

52 (a) Detail a clear, continuous and unbroken chain of all
53 endorsements and/or assignments for the promissory note and a
54 clear, continuous and unbroken chain of all assignments of the
55 mortgage that are the subject of the action.

56 (b) Set forth facts showing that the plaintiff is entitled
57 to enforce a lost, destroyed, or stolen instrument pursuant to
58 s. 673.3091 or s.71.011, in the case of a non-negotiable note.

59 (c) Include as exhibits to the affidavit such copies of
60 the note and the allonges to the note, assignments of mortgage,
61 audit reports showing physical receipt of the original note and
62 mortgage, or other evidence of the acquisition, ownership, and
63 possession of the note as may be available to the plaintiff.

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66
67
68 -----
69 **T I T L E A M E N D M E N T**

70 Remove lines 446-452 of the amendment and insert:
71 of action; creating s. 702.015, F.S.; specifying the
72 contents of a complaint seeking to foreclose a
73 mortgage or other lien on residential real property;
74 requiring that if a party has been delegated the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 213 (2012)

Amendment No. 1a

75 authority to institute a mortgage foreclosure action
76 on behalf of the owner and holder of the note and
77 mortgage, the complaint must describe and verify the
78 authority of the plaintiff and identify, with
79 specificity, the document that grants the plaintiff
80 the authority; requiring that a plaintiff in physical
81 possession of the original promissory note must file
82 with the court certification, under penalty of
83 perjury, that the plaintiff is in physical possession
84 of the original promissory note and containing
85 specified information; requiring that a plaintiff who
86 seeks to enforce a lost, destroyed, or stolen
87 instrument must attach an affidavit meeting specified
88 requirements to the complaint; amending s. 702.06,
89 F.S.; limiting the amount
90

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 213 (2012)

Amendment No. 1b

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Soto offered the following:

3
4 **Amendment to Amendment (647667) by Representative Passidomo**
5 **(with title amendment)**

6 Remove lines 205-207 of the amendment and insert:
7 is for in rem relief only. Use of Nothing in this subsection
8 precludes shall preclude the entry of a deficiency judgment
9 against the mortgagor where otherwise allowed by law. It is the
10 intent of the Legislature

11
12
13 -----
14 **T I T L E A M E N D M E N T**

15 Remove line 470 of the amendment and insert:
16 sale under certain circumstances; providing for the preclusion
17 of pursuit of a deficiency judgment against the mortgagor;
18 amending a restriction on a
19

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 233 : Misdemeanor Probation Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz		X			
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 1			

CS/HB 233 Amendments

Amendment 320255

Adopted Without Objection

Appearances:

CS/HB 233

Lowrey, Thad (Lobbyist) - Waive In Support
Vice President Governmental Relations, Operation PAR
7720 Washington St.
Port Richey FL 34668
Phone: (727) 992-8508

CS/HB 233

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

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 233 : Misdemeanor Probation Services (continued)

Appearances: (continued)

CS/HB 233

Hurley, Lisa (General Public) - Information Only

Florida Association Counties

100 South Monroe

Tallahassee FL 32301

Phone: (850) 922-4300

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 233 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Rouson offered the following:

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

5 Remove lines 22-29 and insert:

6 (b) If the board of county commissioners or court has
7 established a misdemeanor probation program for defendants
8 convicted of a misdemeanor for possession of a controlled
9 substance or drug paraphernalia under chapter 893, probation
10 supervision services that include substance abuse education and
11 intervention services shall be provided by a licensed substance
12 abuse service provider under ch. 397, unless the provider is
13 exempt from such licensure under s. 397.405.

Amendment No. 1

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

Remove lines 3-11 and insert:
amending s. 948.15, F.S.; requiring probation supervision
services for defendants convicted of certain misdemeanor
controlled substance offenses that include substance abuse
education and intervention services to be provided by a licensed
substance abuse service provider in certain instances; providing
an effective date.

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/CS/HB 319 : Residential Properties

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager			X		
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon		X			
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto		X			
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 13		Total Nays: 2			

CS/CS/HB 319 Amendments

Amendment 576969

Adopted Without Objection

Amendment 617391

Adopted Without Objection

Amendment 750347

Withdrawn

Appearances:

CS/CS/HB 319, Amendment 1
Vickers, Alice (Lobbyist) - Opponent
Attorney, Florida Consumer Action Network
623 Beard Street
Tallahassee FL 32303
Phone: (850) 556-3121

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/CS/HB 319 : Residential Properties (continued)

Appearances: (continued)

CS/CS/HB 319

Peyton, Mauri (General Public) - Opponent

Attorney, Community Associations

4758 W Commercial Blvd

Fort Lauderdale FL 33319

Phone: (954) 316-1336

CS/CS/HB 319

Moskovitz, Alex (General Public) - Opponent

Chief Financial Officer, Association Financial Services

4400 Biscayne Blvd Suite 550

Miami FL 33137

Phone: (305) 677-0022

CS/CS/HB 319

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CS/CS/HB 319

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CS/CS/HB 319

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CS/CS/HB 319

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ALG

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Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 319 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Passidomo offered the following:

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

5 Between lines 140 and 141, insert:

6 Section 3. Section 702.10, Florida Statutes, is amended to
7 read:

8 702.10 Order to show cause; entry of final judgment of
9 foreclosure; payment during foreclosure.-

10 (1) A lienholder ~~After a complaint in a foreclosure~~
11 ~~proceeding has been filed, the mortgagee~~ may request an order to
12 show cause for the entry of final judgment in a foreclosure
13 action. For purposes of this section, the term "lienholder"
14 includes the plaintiff and a defendant to the action who holds a
15 lien encumbering the property or a defendant who, by virtue of
16 its status as a condominium association, cooperative
17 association, or homeowners' association, may file a lien against
18 the real property subject to foreclosure. Upon filing, and the
19 court shall immediately review the request and the court file in

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20 chambers and without a hearing ~~complaint~~. If, upon examination
21 of the court file ~~complaint~~, the court finds that the complaint
22 is verified, complies with s. 702.015, and alleges a cause of
23 action to foreclose on real property, the court shall promptly
24 issue an order directed to the other parties named in the action
25 ~~defendant~~ to show cause why a final judgment of foreclosure
26 should not be entered.

27 (a) The order shall:

28 1. Set the date and time for a hearing ~~on the order~~ to
29 show cause. ~~However,~~ The date for the hearing may not occur ~~be~~
30 ~~set~~ sooner than the later of 20 days after the service of the
31 order to show cause or 45 days after the service of the initial
32 complaint. When service is obtained by publication, the date for
33 the hearing may not be set sooner than 55 ~~30~~ days after the
34 first publication. ~~The hearing must be held within 60 days after~~
35 ~~the date of service. Failure to hold the hearing within such~~
36 ~~time does not affect the validity of the order to show cause or~~
37 ~~the jurisdiction of the court to issue subsequent orders.~~

38 2. Direct the time within which service of the order to
39 show cause and the complaint must be made upon the defendant.

40 3. State that the filing of defenses by a motion,
41 responsive pleading, affidavits, or other papers ~~or by a~~
42 ~~verified or sworn answer at or before the hearing to show cause~~
43 may constitute ~~constitutes~~ cause for the court not to enter ~~the~~
44 ~~attached~~ final judgment.

45 4. State that a ~~the~~ defendant has the right to file
46 affidavits or other papers before ~~at~~ the time of the hearing to
47 show cause and may appear personally or by way of an attorney at

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48 the hearing.

49 5. State that, if a the defendant files defenses by a
50 motion, a verified or sworn answer, affidavits, or other papers
51 or appears personally or by way of an attorney at the time of
52 the hearing, the hearing time will may be used to hear and
53 consider the defendant's motion, answer, affidavits, other
54 papers, and other evidence and argument as may be presented by
55 the defendant or the defendant's attorney. The order shall also
56 state that the court may enter an order of final judgment of
57 foreclosure at the hearing. If such a determination is entered,
58 the court shall enter a final judgment of foreclosure ordering
59 the clerk of the court to conduct a foreclosure sale.

60 6. State that, if a the defendant fails to appear at the
61 hearing to show cause or fails to file defenses by a motion or
62 by a verified or sworn answer or files an answer not contesting
63 the foreclosure, such the defendant may be considered to have
64 waived the right to a hearing, and in such case, the court may
65 enter a default against such defendant and, if appropriate, a
66 final judgment of foreclosure ordering the clerk of the court to
67 conduct a foreclosure sale.

68 7. State that if the mortgage provides for reasonable
69 attorney attorney's fees and the requested attorney attorney's
70 fees do not exceed 3 percent of the principal amount owed at the
71 time of filing the complaint, it is unnecessary for the court to
72 hold a hearing or adjudge the requested attorney attorney's fees
73 to be reasonable.

74 8. Attach the form of the proposed final judgment of
75 foreclosure which the movant requests the court to will enter,

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76 ~~if the defendant waives the right to be heard~~ at the hearing on
77 the order to show cause. The form may contain blanks for the
78 court to enter the amounts due.

79 9. Require the party seeking final judgment mortgagee to
80 serve a copy of the order to show cause on the other parties the
81 mortgager in the following manner:

82 a. If a party the mortgager has been personally served
83 with the complaint and original process, or the other party is
84 the plaintiff in the action, service of the order to show cause
85 on that party order may be made in the manner provided in the
86 Florida Rules of Civil Procedure.

87 b. If a defendant the mortgager has not been personally
88 served with the complaint and original process, the order to
89 show cause, together with the summons and a copy of the
90 complaint, shall be served on the party mortgager in the same
91 manner as provided by law for original process.

92
93 Any final judgment of foreclosure entered under this subsection
94 is for in rem relief only. ~~Nothing in~~ This subsection does not
95 ~~shall~~ preclude the entry of a deficiency judgment where
96 otherwise allowed by law. It is the intent of the Legislature
97 that this alternative procedure may run simultaneously with
98 other court procedures.

99 (b) The right to be heard at the hearing to show cause is
100 waived if a the defendant, after being served as provided by law
101 with an order to show cause, engages in conduct that clearly
102 shows that the defendant has relinquished the right to be heard
103 on that order. The defendant's failure to file defenses by a

Amendment No. 1

104 motion or by a sworn or verified answer, affidavits, or other
105 papers or to appear personally or by way of an attorney at the
106 hearing duly scheduled on the order to show cause presumptively
107 constitutes conduct that clearly shows that the defendant has
108 relinquished the right to be heard. If a defendant files
109 defenses by a motion, ~~or by~~ a verified or sworn answer,
110 affidavits, or other papers at or before the hearing, such
111 action may constitute ~~constitutes~~ cause and may preclude
112 ~~precludes~~ the entry of a final judgment at the hearing to show
113 cause.

114 (c) In a mortgage foreclosure proceeding, when a final
115 ~~default~~ judgment of foreclosure has been entered against the
116 mortgagor and the note or mortgage provides for the award of
117 reasonable attorney ~~attorney's~~ fees, it is unnecessary for the
118 court to hold a hearing or adjudge the requested attorney
119 ~~attorney's~~ fees to be reasonable if the fees do not exceed 3
120 percent of the principal amount owed on the note or mortgage at
121 the time of filing, even if the note or mortgage does not
122 specify the percentage of the original amount that would be paid
123 as liquidated damages.

124 (d) If the court finds that all defendants have the
125 ~~defendant has~~ waived the right to be heard as provided in
126 paragraph (b), the court shall promptly enter a final judgment
127 of foreclosure without the need for further hearing if the
128 plaintiff has shown entitlement to a final judgment and upon the
129 filing with the court of original note, satisfaction of the
130 conditions for establishment of a lost note, or upon a showing
131 to the court that the obligation to be foreclosed is not

Amendment No. 1

132 evidenced by a promissory note or other negotiable instrument.

133 If the court finds that a ~~the~~ defendant has not waived the right

134 to be heard on the order to show cause, the court shall ~~then~~

135 determine whether there is cause not to enter a final judgment

136 of foreclosure. If the court finds that the defendant has not

137 shown cause, the court shall promptly enter a judgment of

138 foreclosure. If the time allotted for the hearing is

139 insufficient, the court may announce at the hearing a date and

140 time for the continued hearing. Only the parties who appear,

141 individually or through an attorney, at the initial hearing must

142 be notified of the date and time of the continued hearing.

143 (2) This subsection does not apply to foreclosure of an owner-

144 occupied residence. As part of any other ~~in an~~ action for

145 foreclosure, and in addition to any other relief that the court

146 may award ~~other than residential real estate,~~ the plaintiff the

147 mortgagee may request that the court enter an order directing

148 the mortgagor defendant to show cause why an order to make

149 payments during the pendency of the foreclosure proceedings or

150 an order to vacate the premises should not be entered.

151 (a) The order shall:

152 1. Set the date and time for hearing on the order to show

153 cause. However, the date for the hearing may ~~shall~~ not be set

154 sooner than 20 days after the service of the order. If where

155 service is obtained by publication, the date for the hearing may

156 ~~shall~~ not be set sooner than 30 days after the first

157 publication.

158 2. Direct the time within which service of the order to

159 show cause and the complaint shall be made upon each ~~the~~

Amendment No. 1

160 defendant.

161 3. State that a ~~the~~ defendant has the right to file
162 affidavits or other papers at the time of the hearing and may
163 appear personally or by way of an attorney at the hearing.

164 4. State that, if a ~~the~~ defendant fails to appear at the
165 hearing to show cause and fails to file defenses by a motion or
166 by a verified or sworn answer, the defendant is ~~may be~~ deemed to
167 have waived the right to a hearing and in such case the court
168 may enter an order to make payment or vacate the premises.

169 5. Require the movant mortgagee to serve a copy of the
170 order to show cause on the defendant mortgagor in the following
171 manner:

172 a. If a defendant ~~the mortgagor~~ has been served with the
173 complaint and original process, service of the order may be made
174 in the manner provided in the Florida Rules of Civil Procedure.

175 b. If a defendant ~~the mortgagor~~ has not been served with
176 the complaint and original process, the order to show cause,
177 together with the summons and a copy of the complaint, shall be
178 served on the defendant mortgagor in the same manner as provided
179 by law for original process.

180 (b) The right of a defendant to be heard at the hearing to
181 show cause is waived if the defendant, after being served as
182 provided by law with an order to show cause, engages in conduct
183 that clearly shows that the defendant has relinquished the right
184 to be heard on that order. A ~~The~~ defendant's failure to file
185 defenses by a motion or by a sworn or verified answer or to
186 appear at the hearing duly scheduled on the order to show cause
187 presumptively constitutes conduct that clearly shows that the

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188 defendant has relinquished the right to be heard.

189 (c) If the court finds that a ~~the~~ defendant has waived the
190 right to be heard as provided in paragraph (b), the court may
191 promptly enter an order requiring payment in the amount provided
192 in paragraph (f) or an order to vacate.

193 (d) If the court finds that the mortgagor has not waived
194 the right to be heard on the order to show cause, the court
195 shall, at the hearing on the order to show cause, consider the
196 affidavits and other showings made by the parties appearing and
197 make a determination of the probable validity of the underlying
198 claim alleged against the mortgagor and the mortgagor's
199 defenses. If the court determines that the plaintiff mortgagee
200 is likely to prevail in the foreclosure action, the court shall
201 enter an order requiring the mortgagor to make the payment
202 described in paragraph (e) to the plaintiff mortgagee and
203 provide for a remedy as described in paragraph (f). However, the
204 order shall be stayed pending final adjudication of the claims
205 of the parties if the mortgagor files with the court a written
206 undertaking executed by a surety approved by the court in an
207 amount equal to the unpaid balance of the lien being foreclosed
208 ~~the mortgage on the property~~, including all principal, interest,
209 unpaid taxes, and insurance premiums paid by the plaintiff the
210 ~~mortgagee~~.

211 (e) ~~If in the event~~ the court enters an order requiring
212 the mortgagor to make payments to the plaintiff mortgagee,
213 payments shall be payable at such intervals and in such amounts
214 provided for in the mortgage instrument before acceleration or
215 maturity. The obligation to make payments pursuant to any order

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216 entered under this subsection shall commence from the date of
217 the motion filed under this section hereunder. The order shall
218 be served upon the mortgagor no later than 20 days before the
219 date specified for the first payment. The order may permit, but
220 may shall not require, the plaintiff mortgagee to take all
221 appropriate steps to secure the premises during the pendency of
222 the foreclosure action.

223 (f) If in the event the court enters an order requiring
224 payments, the order shall also provide that the plaintiff is
225 ~~mortgagee shall be~~ entitled to possession of the premises upon
226 the failure of the mortgagor to make the payment required in the
227 order unless at the hearing on the order to show cause the court
228 finds good cause to order some other method of enforcement of
229 its order.

230 (g) All amounts paid pursuant to this section shall be
231 credited against the mortgage obligation in accordance with the
232 terms of the loan documents; ~~provided, however, that any~~
233 payments made under this section do shall not constitute a cure
234 of any default or a waiver or any other defense to the mortgage
235 foreclosure action.

236 (h) Upon the filing of an affidavit with the clerk that
237 the premises have not been vacated pursuant to the court order,
238 the clerk shall issue to the sheriff a writ for possession which
239 shall be governed by the provisions of s. 83.62.

240 (i) For purposes of this subsection, there is a rebuttable
241 presumption that a residential property for which a homestead
242 exemption for taxation was granted according to the certified
243 rolls of the latest assessment by the county property appraiser,

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244 before the filing of the foreclosure action, is an owner-
245 occupied residential property.

246 (3) The Supreme Court is requested to amend the Florida
247 Rules of Civil Procedure to provide for expedited foreclosure
248 proceedings in conformity with this section and is requested to
249 develop and publish forms for use under this section.

250

251

252

253

254

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

255

Remove line 9 and insert:

256

records request; amending s. 702.10, F.S.; expanding the class

257

of persons authorized to move for expedited foreclosure;

258

defining the term "lienholder"; providing requirements and

259

procedures with respect to an order directed to defendants to

260

show cause why a final judgment of foreclosure should not be

261

entered; providing that certain failures by a defendant to make

262

certain filings or to make certain appearances may have

263

specified legal consequences; requiring the court to enter a

264

final judgment of foreclosure and order a foreclosure sale under

265

certain circumstances; amending a restriction on a mortgagee to

266

request a court to order a mortgagor defendant to make payments

267

or to vacate the premises during an action to foreclose on

268

residential real estate to provide that the restriction applies

269

to all but owner-occupied residential property; providing a

270

presumption regarding owner-occupied residential property;

271

requesting the Supreme Court to adopt rules and forms for use in

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272 expedited foreclosure proceedings; amending s. 718.112, F.S.;

273 revising

274

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 319 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Moraitis offered the following:

3
4 **Amendment**

5 Remove lines 719-846 and insert:

6 Section 9. Section 718.406, Florida Statutes, is created
7 to read:

8 718.406 Condominiums created within condominium parcels.--

9 (1) Unless otherwise expressed in the declaration of
10 condominium, if a condominium is created within a condominium
11 parcel, the term:

12 (a) "Primary condominium" means any condominium that is
13 not a secondary condominium and contains one or more subdivided
14 parcels.

15 (b) "Primary condominium association" means any entity
16 that operates a primary condominium.

17 (c) "Primary condominium declaration" means the instrument
18 or instruments by which a primary condominium is created, as
19 they are from time to time amended.

Amendment No. 2

20 (d) "Secondary condominium" means one or more condominium
21 parcels that have been submitted to condominium ownership
22 pursuant to a secondary condominium declaration.

23 (e) "Secondary condominium association" means any entity
24 responsible for the operation of a secondary condominium.

25 (f) "Secondary condominium declaration" means the
26 instrument or instruments by which a secondary condominium is
27 created, as they are from time to time amended.

28 (g) "Secondary unit" means a unit that is part of a
29 secondary condominium.

30 (h) "Subdivided parcel" means a condominium parcel in a
31 primary condominium that has been submitted to condominium
32 ownership pursuant to a secondary condominium declaration.

33 (2) Unless otherwise provided in the primary condominium
34 declaration, if a condominium parcel is a subdivided parcel, the
35 secondary condominium association responsible for operating the
36 secondary condominium upon the subdivided parcel shall act on
37 behalf of all of the unit owners of secondary units in the
38 secondary condominium and shall exercise all rights of the
39 secondary unit owners in the primary condominium association,
40 other than the right of possession of the secondary unit. The
41 secondary condominium association shall designate a
42 representative who shall cast the vote of the subdivided parcel
43 in the primary condominium association and, if no person is
44 designated by the secondary condominium association to cast such
45 vote, the vote shall be cast by the president of the secondary
46 condominium association or the designee of the president.

Amendment No. 2

47 (3) Unless otherwise provided in the primary condominium
48 declaration as originally recorded, no secondary condominium may
49 be created upon any condominium parcel in the primary
50 condominium, and no amendment to the primary condominium
51 declaration may permit secondary condominiums to be created upon
52 parcels in the primary condominium, unless the record owners of
53 a majority of the condominium parcels join in the execution of
54 the amendment.

55 (4) If the primary condominium declaration permits the
56 creation of a secondary condominium and a condominium parcel in
57 the primary condominium is being submitted for condominium
58 ownership to create a secondary condominium upon the primary
59 condominium parcel, the approval of the board of administration
60 of the primary condominium association is required in order to
61 create the secondary condominium on the primary condominium
62 parcel. Unless otherwise provided in the primary condominium
63 declaration, the owners of condominium parcels in the primary
64 condominium that will not be part of the proposed secondary
65 condominium and the holders of liens upon such primary
66 condominium parcels shall not have approval rights regarding the
67 creation of the secondary condominium or the contents of the
68 secondary condominium declaration being submitted. Only the
69 primary condominium association, the owner of the subdivided
70 parcel, and the holders of liens upon the subdivided parcel
71 shall have approval rights regarding the creation of the
72 secondary condominium and the contents of the secondary
73 condominium declaration. In order for the recording of the
74 secondary condominium declaration to be effective to create the

Amendment No. 2

75 secondary condominium, the board of administration of the
76 primary condominium association, the owner of the subdivided
77 parcel, and all holders of liens on the subdivided parcel must
78 execute the secondary condominium declaration for the purpose of
79 evidencing their approval.

80 (5) An owner of a secondary unit is subject to both the
81 primary condominium declaration and the secondary condominium
82 declaration.

83 (6) The primary condominium association may provide
84 insurance required by s. 718.111(11) for common elements and
85 other improvements within the secondary condominium if the
86 primary condominium declaration permits the primary condominium
87 association to provide such insurance for the benefit of the
88 condominium property included in the subdivided parcel, in lieu
89 of such insurance being provided by the secondary condominium
90 association.

91 (7) Unless otherwise provided in the primary condominium
92 declaration, the board of administration of the primary
93 condominium association may adopt hurricane shutter or hurricane
94 protection specifications for each building within which
95 subdivided parcels are located and govern any subdivided parcels
96 in the primary condominium.

97 (8) Any unit owner of, or holder of a first mortgage on, a
98 secondary unit may register such unit owner's or mortgagee's
99 interest in the secondary unit with the primary condominium
100 association by delivering written notice to the primary
101 condominium association. Once registered, the primary
102 condominium association must provide written notice to such

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Amendment No. 2

103 secondary unit owner and his, her, or its first mortgagee at
104 least 30 days before instituting any foreclosure action against
105 the subdivided parcel in which the secondary unit owner and his,
106 her, or its first mortgagee hold an interest for failure of the
107 subdivided parcel owner to pay any assessments or other amounts
108 due to the primary condominium association. A foreclosure action
109 against a subdivided parcel is not effective without an
110 affidavit indicating that written notice of the foreclosure was
111 timely sent to the names and addresses of secondary unit owners
112 and first mortgagees registered with the primary condominium
113 association pursuant to this subsection. The registered
114 secondary unit owner or mortgagee has a right to pay the
115 proportionate amount of the delinquent assessment attributable
116 to the secondary unit in which the registered unit owner or
117 mortgagee holds an interest. Upon such payment, the primary
118 condominium association shall be obligated to promptly modify or
119 partially release the record of lien on the primary condominium
120 association so that the lien no longer encumbers such secondary
121 unit. Alternatively, a registered secondary unit owner or
122 mortgagee may pay the amount of all delinquent assessments
123 attributed to the subdivided parcel and seek reimbursement for
124 all such amounts paid and all costs incurred from the secondary
125 condominium association, including, without limitation, the
126 costs of collection other than the share allocable to the
127 secondary unit on behalf of which such payment was made.

128 (9) In the event of a conflict between the primary
129 condominium declaration and the secondary condominium
130 declaration, the primary condominium declaration controls.

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Amendment No. 2

131 (10) All common expenses due to the primary condominium
132 association with respect to a subdivided parcel are a common
133 expense of the secondary condominium association and shall be
134 collected by the secondary condominium association from its
135 members and paid to the primary condominium association.
136

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 319 (2012)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Mayfield offered the following:

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

5 Between lines 1998 and 1999, insert:

6 Section 20. Subsection (1) of section 720.307, Florida
7 Statutes, is amended to read:

8 720.307 Transition of association control in a community.—
9 With respect to homeowners' associations:

10 (1) Members other than the developer are entitled to elect
11 at least a majority of the members of the board of directors of
12 the homeowners' association when the earlier of the following
13 events occurs:

14 (a) Three months after 90 percent of the parcels in all
15 phases of the community that will ultimately be operated by the
16 homeowners' association have been conveyed to members; ~~or~~

17 (b) When development of all of the parcels that will
18 ultimately be operated by the homeowners' association has been
19 completed, some of the parcels have been conveyed to members,

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20 and no other parcels are being offered for sale by the developer
21 in the ordinary course of business;

22 (c) When some of the parcels have been conveyed to members
23 and no other parcels are being constructed or offered for sale
24 by the developer in the ordinary course of business;

25 (d) When the developer files a petition seeking protection
26 in bankruptcy;

27 (e) When a receiver for the developer is appointed by a
28 circuit court and is not discharged within 30 days after such
29 appointment, unless the court determines, within 30 days after
30 appointment of the receiver, that transfer of control would be
31 detrimental to the homeowners' association or its members; or

32 (f) ~~(b)~~ Such other percentage of the parcels has been
33 conveyed to members, or such other date or event has occurred,
34 as is set forth in the governing documents in order to comply
35 with the requirements of any governmentally chartered entity
36 with regard to the mortgage financing of parcels.

37
38 For purposes of this section, the term "members other than the
39 developer" shall not include builders, contractors, or others
40 who purchase a parcel for the purpose of constructing
41 improvements thereon for resale.

42
43
44
45 -----
46 **T I T L E A M E N D M E N T**

47 Remove line 108 and insert:

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 319 (2012)

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48 a certain time period; amending s. 720.307, F.S.;

49 revising when members other than the developer are

50 entitled to elect at least a majority of the members

51 of the board of directors of the homeowners'

52 association; amending s. 720.3085, F.S.;

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/CS/HB 455 : Sex Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell			X		
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/CS/HB 455 Amendments

Amendment 656125

Adopted Without Objection

Appearances:

CS/CS/HB 455

Pitts, Brian (General Public) - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

CS/CS/HB 455

Hartley, Ron (General Public) - Waive In Support

Major, Hillsborough County Sheriffs Office

2008 8th Avenue

Tampa FL 33701

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Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Glorioso offered the following:

3
4 **Amendment**

5 Remove lines 193-1338 and insert:
6 change in enrollment, volunteer, or employment status shall be
7 reported in person at the sheriff's office, or the Department of
8 Corrections if the sexual predator is in the custody or control
9 of or under the supervision of the Department of Corrections,
10 within 48 hours after any change in status. The sheriff or the
11 Department of Corrections shall promptly notify each institution
12 of the sexual predator's presence and any change in the sexual
13 predator's enrollment, volunteer, or employment status.

14 2. Any other information determined necessary by the
15 department, including criminal and corrections records;
16 nonprivileged personnel and treatment records; and evidentiary
17 genetic markers when available.

18 (b) If the sexual predator is in the custody or control
19 of, or under the supervision of, the Department of Corrections,

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20 or is in the custody of a private correctional facility, the
21 sexual predator must register with the Department of
22 Corrections. A sexual predator who is under the supervision of
23 the Department of Corrections but who is not incarcerated must
24 register with the Department of Corrections within 3 business
25 days after the court finds the offender to be a sexual predator.
26 The Department of Corrections shall provide to the department
27 registration information and the location of, and local
28 telephone number for, any Department of Corrections office that
29 is responsible for supervising the sexual predator. In addition,
30 the Department of Corrections shall notify the department if the
31 sexual predator escapes or absconds from custody or supervision
32 or if the sexual predator dies.

33 (c) If the sexual predator is in the custody of a local
34 jail, the custodian of the local jail shall register the sexual
35 predator within 3 business days after intake of the sexual
36 predator for any reason and upon release, and shall forward the
37 registration information to the department. The custodian of the
38 local jail shall also take a digitized photograph of the sexual
39 predator while the sexual predator remains in custody and shall
40 provide the digitized photograph to the department. The
41 custodian shall notify the department if the sexual predator
42 escapes from custody or dies.

43 (d) If the sexual predator is under federal supervision,
44 the federal agency responsible for supervising the sexual
45 predator may forward to the department any information regarding
46 the sexual predator which is consistent with the information
47 provided by the Department of Corrections under this section,

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48 and may indicate whether use of the information is restricted to
49 law enforcement purposes only or may be used by the department
50 for purposes of public notification.

51 (e)1. If the sexual predator is not in the custody or
52 control of, or under the supervision of, the Department of
53 Corrections or is not in the custody of a private correctional
54 facility, the sexual predator shall register in person:

55 a. At the sheriff's office in the county where he or she
56 establishes or maintains a residence within 48 hours after
57 establishing or maintaining a residence in this state; and

58 b. At the sheriff's office in the county where he or she
59 was designated a sexual predator by the court within 48 hours
60 after such finding is made.

61 2. Any change in the sexual predator's permanent or
62 temporary residence, name, ~~or any~~ electronic mail addresses,
63 ~~address and or Internet identifiers any instant message name~~
64 required to be provided pursuant to subparagraph (g)4., after
65 the sexual predator registers in person at the sheriff's office
66 as provided in subparagraph 1., shall be accomplished in the
67 manner provided in paragraphs (g), (i), and (j). When a sexual
68 predator registers with the sheriff's office, the sheriff shall
69 take a photograph, and a set of fingerprints, and palm prints of
70 the predator and forward the photographs, palm prints, and
71 fingerprints to the department, along with the information that
72 the predator is required to provide pursuant to this section.

73 (f) Within 48 hours after the registration required under
74 paragraph (a) or paragraph (e), a sexual predator who is not
75 incarcerated and who resides in the community, including a

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76 sexual predator under the supervision of the Department of
77 Corrections, shall register in person at a driver ~~driver's~~
78 license office of the Department of Highway Safety and Motor
79 Vehicles and shall present proof of registration. At the driver
80 ~~driver's~~ license office the sexual predator shall:

81 1. If otherwise qualified, secure a Florida driver
82 ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or
83 secure an identification card. The sexual predator shall
84 identify himself or herself as a sexual predator who is required
85 to comply with this section, provide his or her place of
86 permanent, temporary, or transient residence, including a rural
87 route address and a post office box, and submit to the taking of
88 a photograph for use in issuing a driver ~~driver's~~ license,
89 renewed license, or identification card, and for use by the
90 department in maintaining current records of sexual predators. A
91 post office box shall not be provided in lieu of a physical
92 residential address. If the sexual predator's place of residence
93 is a motor vehicle, trailer, mobile home, or manufactured home,
94 as defined in chapter 320, the sexual predator shall also
95 provide to the Department of Highway Safety and Motor Vehicles
96 the vehicle identification number; the license tag number; the
97 registration number; and a description, including color scheme,
98 of the motor vehicle, trailer, mobile home, or manufactured
99 home. If a sexual predator's place of residence is a vessel,
100 live-aboard vessel, or houseboat, as defined in chapter 327, the
101 sexual predator shall also provide to the Department of Highway
102 Safety and Motor Vehicles the hull identification number; the
103 manufacturer's serial number; the name of the vessel, live-

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104 aboard vessel, or houseboat; the registration number; and a
105 description, including color scheme, of the vessel, live-aboard
106 vessel, or houseboat.

107 2. Pay the costs assessed by the Department of Highway
108 Safety and Motor Vehicles for issuing or renewing a driver
109 ~~driver's~~ license or identification card as required by this
110 section. The driver ~~driver's~~ license or identification card
111 issued to the sexual predator must be in compliance with s.
112 322.141(3).

113 3. Provide, upon request, any additional information
114 necessary to confirm the identity of the sexual predator,
115 including a set of fingerprints.

116 (g)1. Each time a sexual predator's driver ~~driver's~~
117 license or identification card is subject to renewal, and,
118 without regard to the status of the predator's driver ~~driver's~~
119 license or identification card, within 48 hours after any change
120 of the predator's residence or change in the predator's name by
121 reason of marriage or other legal process, the predator shall
122 report in person to a driver ~~driver's~~ license office and shall
123 be subject to the requirements specified in paragraph (f). The
124 Department of Highway Safety and Motor Vehicles shall forward to
125 the department and to the Department of Corrections all
126 photographs and information provided by sexual predators.

127 Notwithstanding the restrictions set forth in s. 322.142, the
128 Department of Highway Safety and Motor Vehicles is authorized to
129 release a reproduction of a color-photograph or digital-image
130 license to the Department of Law Enforcement for purposes of
131 public notification of sexual predators as provided in this

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132 section. A sexual predator who is unable to secure or update a
133 driver license or identification card with the Department of
134 Highway Safety and Motor Vehicles as provided in paragraph (f)
135 and this paragraph must also report any change of the predator's
136 residence or change in the predator's name by reason of marriage
137 or other legal process within 48 hours after the change to the
138 sheriff's office in the county where the predator resides or is
139 located and provide confirmation that he or she reported such
140 information to the Department of Highway Safety and Motor
141 Vehicles.

142 2. A sexual predator who vacates a permanent, temporary,
143 or transient residence and fails to establish or maintain
144 another permanent, temporary, or transient residence shall,
145 within 48 hours after vacating the permanent, temporary, or
146 transient residence, report in person to the sheriff's office of
147 the county in which he or she is located. The sexual predator
148 shall specify the date upon which he or she intends to or did
149 vacate such residence. The sexual predator must provide or
150 update all of the registration information required under
151 paragraph (a). The sexual predator must provide an address for
152 the residence or other place that he or she is or will be
153 located during the time in which he or she fails to establish or
154 maintain a permanent or temporary residence.

155 3. A sexual predator who remains at a permanent,
156 temporary, or transient residence after reporting his or her
157 intent to vacate such residence shall, within 48 hours after the
158 date upon which the predator indicated he or she would or did
159 vacate such residence, report in person to the sheriff's office

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160 to which he or she reported pursuant to subparagraph 2. for the
161 purpose of reporting his or her address at such residence. When
162 the sheriff receives the report, the sheriff shall promptly
163 convey the information to the department. An offender who makes
164 a report as required under subparagraph 2. but fails to make a
165 report as required under this subparagraph commits a felony of
166 the second degree, punishable as provided in s. 775.082, s.
167 775.083, or s. 775.084.

168 4. A sexual predator must register all any electronic mail
169 addresses and Internet identifiers ~~address or instant message~~
170 ~~name~~ with the department prior to using such electronic mail
171 addresses and Internet identifiers ~~address or instant message~~
172 ~~name on or after October 1, 2007~~. The department shall establish
173 an online system through which sexual predators may securely
174 access and update all electronic mail address and Internet
175 identifier ~~instant message name~~ information.

176 (h) The department must notify the sheriff and the state
177 attorney of the county and, if applicable, the police chief of
178 the municipality, where the sexual predator maintains a
179 residence.

180 (i) A sexual predator who intends to establish a
181 permanent, temporary, or transient residence in another state or
182 jurisdiction other than the State of Florida shall report in
183 person to the sheriff of the county of current residence within
184 48 hours before the date he or she intends to leave this state
185 to establish residence in another state or jurisdiction or
186 within 21 days before his or her planned departure date if the
187 intended residence of 5 days or more is outside of the United

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188 States. The sexual predator must provide to the sheriff the
189 address, municipality, county, ~~and~~ state, and country of
190 intended residence. The sheriff shall promptly provide to the
191 department the information received from the sexual predator.
192 The department shall notify the statewide law enforcement
193 agency, or a comparable agency, in the intended state, ~~or~~
194 jurisdiction, or country of residence of the sexual predator's
195 intended residence. The failure of a sexual predator to provide
196 his or her intended place of residence is punishable as provided
197 in subsection (10).

198 (j) A sexual predator who indicates his or her intent to
199 establish a permanent, temporary, or transient residence in
200 another state, a ~~or~~ jurisdiction other than the State of
201 Florida, or another country and later decides to remain in this
202 state shall, within 48 hours after the date upon which the
203 sexual predator indicated he or she would leave this state,
204 report in person to the sheriff to which the sexual predator
205 reported the intended change of residence, and report his or her
206 intent to remain in this state. If the sheriff is notified by
207 the sexual predator that he or she intends to remain in this
208 state, the sheriff shall promptly report this information to the
209 department. A sexual predator who reports his or her intent to
210 establish a permanent, temporary, or transient residence in
211 another state, a ~~or~~ jurisdiction other than the State of
212 Florida, or another country, but who remains in this state
213 without reporting to the sheriff in the manner required by this
214 paragraph, commits a felony of the second degree, punishable as
215 provided in s. 775.082, s. 775.083, or s. 775.084.

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216 (k)1. The department is responsible for the online
217 maintenance of current information regarding each registered
218 sexual predator. The department must maintain hotline access for
219 state, local, and federal law enforcement agencies to obtain
220 instantaneous locator file and offender characteristics
221 information on all released registered sexual predators for
222 purposes of monitoring, tracking, and prosecution. The
223 photograph and fingerprints do not have to be stored in a
224 computerized format.

225 2. The department's sexual predator registration list,
226 containing the information described in subparagraph (a)1., is a
227 public record. The department is authorized to disseminate this
228 public information by any means deemed appropriate, including
229 operating a toll-free telephone number for this purpose. When
230 the department provides information regarding a registered
231 sexual predator to the public, department personnel must advise
232 the person making the inquiry that positive identification of a
233 person believed to be a sexual predator cannot be established
234 unless a fingerprint comparison is made, and that it is illegal
235 to use public information regarding a registered sexual predator
236 to facilitate the commission of a crime.

237 3. The department shall adopt guidelines as necessary
238 regarding the registration of sexual predators and the
239 dissemination of information regarding sexual predators as
240 required by this section.

241 (l) A sexual predator must maintain registration with the
242 department for the duration of his or her life, unless the
243 sexual predator has received a full pardon or has had a

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244 conviction set aside in a postconviction proceeding for any
245 offense that met the criteria for the sexual predator
246 designation.

247 (8) VERIFICATION.—The department and the Department of
248 Corrections shall implement a system for verifying the addresses
249 of sexual predators. The system must be consistent with the
250 provisions of the federal Adam Walsh Child Protection and Safety
251 Act of 2006 and any other federal standards applicable to such
252 verification or required to be met as a condition for the
253 receipt of federal funds by the state. The Department of
254 Corrections shall verify the addresses of sexual predators who
255 are not incarcerated but who reside in the community under the
256 supervision of the Department of Corrections and shall report to
257 the department any failure by a sexual predator to comply with
258 registration requirements. County and local law enforcement
259 agencies, in conjunction with the department, shall verify the
260 addresses of sexual predators who are not under the care,
261 custody, control, or supervision of the Department of
262 Corrections. Local law enforcement agencies shall report to the
263 department any failure by a sexual predator to comply with
264 registration requirements.

265 (a) A sexual predator must report in person each year
266 during the month of the sexual predator's birthday and during
267 every third month thereafter to the sheriff's office in the
268 county in which he or she resides or is otherwise located to
269 reregister. The sheriff's office may determine the appropriate
270 times and days for reporting by the sexual predator, which shall
271 be consistent with the reporting requirements of this paragraph.

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272 Reregistration shall include any changes to the following
273 information:

274 1. Name; social security number; age; race; sex; date of
275 birth; height; weight; tattoos or other identifying marks; hair
276 and eye color; address of any permanent residence and address of
277 any current temporary residence, within the state or out of
278 state, including a rural route address and a post office box; if
279 no permanent or temporary address, any transient residence
280 within the state; address, location or description, and dates of
281 any current or known future temporary residence within the state
282 or out of state; ~~any~~ electronic mail addresses ~~address and or~~
283 Internet identifiers ~~any instant message name~~ required to be
284 provided pursuant to subparagraph (6)(g)4.; home telephone
285 numbers ~~number and any or~~ cellular telephone numbers ~~number~~;
286 date and place of any employment; the vehicle make, model,
287 color, registration number, and license tag number of any
288 vehicles owned; fingerprints; palm prints; and photograph. A
289 post office box shall not be provided in lieu of a physical
290 residential address. The sexual predator must also produce his
291 or her passport, if he or she has a passport, and, if he or she
292 is an alien, must produce or provide information about documents
293 establishing his or her immigration status. The sexual predator
294 must also provide information about any professional licenses he
295 or she may have.

296 2. If the sexual predator is enrolled, employed,
297 volunteering, or carrying on a vocation at an institution of
298 higher education in this state, the sexual predator shall also
299 provide to the department the name, address, and county of each

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300 institution, including each campus attended, and the sexual
301 predator's enrollment, volunteer, or employment status.

302 3. If the sexual predator's place of residence is a motor
303 vehicle, trailer, mobile home, or manufactured home, as defined
304 in chapter 320, the sexual predator shall also provide the
305 vehicle identification number; the license tag number; the
306 registration number; and a description, including color scheme,
307 of the motor vehicle, trailer, mobile home, or manufactured
308 home. If the sexual predator's place of residence is a vessel,
309 live-aboard vessel, or houseboat, as defined in chapter 327, the
310 sexual predator shall also provide the hull identification
311 number; the manufacturer's serial number; the name of the
312 vessel, live-aboard vessel, or houseboat; the registration
313 number; and a description, including color scheme, of the
314 vessel, live-aboard vessel, or houseboat.

315 (b) The sheriff's office shall, within 2 working days,
316 electronically submit and update all information provided by the
317 sexual predator to the department in a manner prescribed by the
318 department.

319 (10) PENALTIES.—

320 (a) Except as otherwise specifically provided, a sexual
321 predator who fails to register; who fails, after registration,
322 to maintain, acquire, or renew a driver ~~driver's~~ license or
323 identification card; who fails to provide required location
324 information, electronic mail address information prior to use,
325 Internet identifier ~~instant message name~~ information prior to
326 use, all home telephone numbers ~~number~~ and ~~any~~ cellular
327 telephone numbers ~~number~~, or change-of-name information; who

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328 fails to make a required report in connection with vacating a
329 permanent residence; who fails to reregister as required; who
330 fails to respond to any address verification correspondence from
331 the department within 3 weeks of the date of the correspondence;
332 who knowingly provides false registration information by act or
333 omission; or who otherwise fails, by act or omission, to comply
334 with the requirements of this section, commits a felony of the
335 third degree, punishable as provided in s. 775.082, s. 775.083,
336 or s. 775.084.

337 Section 2. Section 800.03, Florida Statutes, is amended to
338 read:

339 800.03 Exposure of sexual organs.—

340 (1) It is unlawful to expose or exhibit one's sexual
341 organs in public or on the private premises of another, or so
342 near thereto as to be seen from such private premises, in a
343 vulgar or indecent manner, or to be naked in public except in
344 any place provided or set apart for that purpose.

345 (2) (a) Except as provided in paragraph (b), a violation of
346 this section is a misdemeanor of the first degree, punishable as
347 provided in s. 775.082 or s. 775.083.

348 (b) A third or subsequent violation of this section is a
349 felony of the third degree, punishable as provided in s.
350 775.082, s. 775.083, or s. 775.084.

351 (3) A mother's breastfeeding of her baby does not under
352 any circumstance violate this section.

353 Section 3. Paragraph (m) is added to subsection (2) of
354 section 903.046, Florida Statutes, to read:

355 903.046 Purpose of and criteria for bail determination.—

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356 (2) When determining whether to release a defendant on
357 bail or other conditions, and what that bail or those conditions
358 may be, the court shall consider:

359 (m) Whether the defendant, other than a defendant whose
360 only criminal charge is a misdemeanor offense under chapter 316,
361 is required to register as a sexual offender under s. 943.0435
362 or a sexual predator under s. 775.21; and, if so, he or she is
363 not eligible for release on bail or surety bond until the first
364 appearance on the case in order to ensure the full participation
365 of the prosecutor and the protection of the public.

366 Section 4. Paragraphs (a) and (g) of subsection (1),
367 subsection (2), paragraphs (a) and (d) of subsection (4),
368 subsections (7), (8), and (11), and paragraph (c) of subsection
369 (14) of section 943.0435, Florida Statutes, are amended to read:

370 943.0435 Sexual offenders required to register with the
371 department; penalty.—

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

373 (a)1. "Sexual offender" means a person who meets the
374 criteria in sub-subparagraph a., sub-subparagraph b., sub-
375 subparagraph c., or sub-subparagraph d., as follows:

376 a.(I) Has been convicted of committing, or attempting,
377 soliciting, or conspiring to commit, any of the criminal
378 offenses proscribed in the following statutes in this state or
379 similar offenses in another jurisdiction: s. 393.135(2); s.
380 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
381 the victim is a minor and the defendant is not the victim's
382 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
383 794.05; s. 796.03; s. 796.035; s. 796.045; s. 800.04; s.

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384 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
385 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.

386 916.1075(2); or s. 985.701(1); or any similar offense committed
387 in this state which has been redesignated from a former statute
388 number to one of those listed in this sub-sub-subparagraph; and

389 (II) Has been released on or after October 1, 1997, from
390 the sanction imposed for any conviction of an offense described
391 in sub-sub-subparagraph (I). For purposes of sub-sub-
392 subparagraph (I), a sanction imposed in this state or in any
393 other jurisdiction includes, but is not limited to, a fine,
394 probation, community control, parole, conditional release,
395 control release, or incarceration in a state prison, federal
396 prison, private correctional facility, or local detention
397 facility;

398 b. Establishes or maintains a residence in this state and
399 who has not been designated as a sexual predator by a court of
400 this state but who has been designated as a sexual predator, as
401 a sexually violent predator, or by another sexual offender
402 designation in another state or jurisdiction and was, as a
403 result of such designation, subjected to registration or
404 community or public notification, or both, or would be if the
405 person were a resident of that state or jurisdiction, without
406 regard to whether the person otherwise meets the criteria for
407 registration as a sexual offender;

408 c. Establishes or maintains a residence in this state who
409 is in the custody or control of, or under the supervision of,
410 any other state or jurisdiction as a result of a conviction for
411 committing, or attempting, soliciting, or conspiring to commit,

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412 any of the criminal offenses proscribed in the following
413 statutes or similar offense in another jurisdiction: s.
414 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
415 787.025(2)(c), where the victim is a minor and the defendant is
416 not the victim's parent or guardian; s. 794.011, excluding s.
417 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.
418 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
419 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
420 s. 916.1075(2); or s. 985.701(1); or any similar offense
421 committed in this state which has been redesignated from a
422 former statute number to one of those listed in this sub-
423 subparagraph; or

424 d. On or after July 1, 2007, has been adjudicated
425 delinquent for committing, or attempting, soliciting, or
426 conspiring to commit, any of the criminal offenses proscribed in
427 the following statutes in this state or similar offenses in
428 another jurisdiction when the juvenile was 14 years of age or
429 older at the time of the offense:

430 (I) Section 794.011, excluding s. 794.011(10);

431 (II) Section 800.04(4)(b) where the victim is under 12
432 years of age or where the court finds sexual activity by the use
433 of force or coercion;

434 (III) Section 800.04(5)(c)1. where the court finds
435 molestation involving unclothed genitals; or

436 (IV) Section 800.04(5)(d) where the court finds the use of
437 force or coercion and unclothed genitals.

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438 2. For all qualifying offenses listed in sub-subparagraph
439 (1)(a)1.d., the court shall make a written finding of the age of
440 the offender at the time of the offense.

441
442 For each violation of a qualifying offense listed in this
443 subsection, except for a violation of s. 794.011, the court
444 shall make a written finding of the age of the victim at the
445 time of the offense. For a violation of s. 800.04(4), the court
446 shall additionally make a written finding indicating that the
447 offense did or did not involve sexual activity and indicating
448 that the offense did or did not involve force or coercion. For a
449 violation of s. 800.04(5), the court shall additionally make a
450 written finding that the offense did or did not involve
451 unclothed genitals or genital area and that the offense did or
452 did not involve the use of force or coercion.

453 (g) "Internet identifier ~~Instant message name~~" has the
454 same meaning as provided in s. 775.21 ~~means an identifier that~~
455 ~~allows a person to communicate in real time with another person~~
456 ~~using the Internet.~~

457 (2) A sexual offender shall:

458 (a) Report in person at the sheriff's office:

459 1. In the county in which the offender establishes or
460 maintains a permanent, temporary, or transient residence within
461 48 hours after:

462 a. Establishing permanent, temporary, or transient
463 residence in this state; or

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464 b. Being released from the custody, control, or
465 supervision of the Department of Corrections or from the custody
466 of a private correctional facility; or

467 2. In the county where he or she was convicted within 48
468 hours after being convicted for a qualifying offense for
469 registration under this section if the offender is not in the
470 custody or control of, or under the supervision of, the
471 Department of Corrections, or is not in the custody of a private
472 correctional facility.

473

474 Any change in the information required to be provided pursuant
475 to paragraph (b), including, but not limited to, any change in
476 the sexual offender's permanent, temporary, or transient
477 residence, name, ~~any~~ electronic mail addresses ~~address and or~~
478 Internet identifiers ~~any instant message name~~ required to be
479 provided pursuant to paragraph (4)(d), after the sexual offender
480 reports in person at the sheriff's office, shall be accomplished
481 in the manner provided in subsections (4), (7), and (8).

482 (b) Provide his or her name; date of birth; social
483 security number; race; sex; height; weight; hair and eye color;
484 tattoos or other identifying marks; occupation and place of
485 employment; address of permanent or legal residence or address
486 of any current temporary residence, within the state or out of
487 state, including a rural route address and a post office box; if
488 no permanent or temporary address, any transient residence
489 within the state, address, location or description, and dates of
490 any current or known future temporary residence within the state
491 or out of state; the make, model, color, registration number,

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492 and license tag number of all vehicles owned; all home telephone
 493 numbers number and any cellular telephone numbers number; all
 494 any electronic mail addresses address and all Internet
 495 identifiers any instant message name required to be provided
 496 pursuant to paragraph (4)(d); fingerprints; palm prints;
 497 photograph; date and place of each conviction; and a brief
 498 description of the crime or crimes committed by the offender. A
 499 post office box shall not be provided in lieu of a physical
 500 residential address. The sexual offender must also produce his
 501 or her passport, if he or she has a passport, and, if he or she
 502 is an alien, must produce or provide information about documents
 503 establishing his or her immigration status. The sexual offender
 504 must also provide information about any professional licenses he
 505 or she may have.

506 1. If the sexual offender's place of residence is a motor
 507 vehicle, trailer, mobile home, or manufactured home, as defined
 508 in chapter 320, the sexual offender shall also provide to the
 509 department through the sheriff's office written notice of the
 510 vehicle identification number; the license tag number; the
 511 registration number; and a description, including color scheme,
 512 of the motor vehicle, trailer, mobile home, or manufactured
 513 home. If the sexual offender's place of residence is a vessel,
 514 live-aboard vessel, or houseboat, as defined in chapter 327, the
 515 sexual offender shall also provide to the department written
 516 notice of the hull identification number; the manufacturer's
 517 serial number; the name of the vessel, live-aboard vessel, or
 518 houseboat; the registration number; and a description, including
 519 color scheme, of the vessel, live-aboard vessel, or houseboat.

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520 2. If the sexual offender is enrolled, employed,
521 volunteering, or carrying on a vocation at an institution of
522 higher education in this state, the sexual offender shall also
523 provide to the department through the sheriff's office the name,
524 address, and county of each institution, including each campus
525 attended, and the sexual offender's enrollment, volunteer, or
526 employment status. Each change in enrollment, volunteer, or
527 employment status shall be reported in person at the sheriff's
528 office, within 48 hours after any change in status. The sheriff
529 shall promptly notify each institution of the sexual offender's
530 presence and any change in the sexual offender's enrollment,
531 volunteer, or employment status.

532 (c) Provide any other information determined necessary by
533 the department, including criminal and corrections records;
534 nonprivileged personnel and treatment records; and evidentiary
535 genetic markers, when available.

536
537 When a sexual offender reports at the sheriff's office, the
538 sheriff shall take a photograph, and a set of fingerprints, and
539 palm prints of the offender and forward the photographs, palm
540 prints, and fingerprints to the department, along with the
541 information provided by the sexual offender. The sheriff shall
542 promptly provide to the department the information received from
543 the sexual offender.

544 (4) (a) Each time a sexual offender's driver ~~driver's~~
545 license or identification card is subject to renewal, and,
546 without regard to the status of the offender's driver ~~driver's~~
547 license or identification card, within 48 hours after any change

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548 in the offender's permanent, temporary, or transient residence
549 or change in the offender's name by reason of marriage or other
550 legal process, the offender shall report in person to a driver
551 ~~driver's~~ license office, and shall be subject to the
552 requirements specified in subsection (3). The Department of
553 Highway Safety and Motor Vehicles shall forward to the
554 department all photographs and information provided by sexual
555 offenders. Notwithstanding the restrictions set forth in s.
556 322.142, the Department of Highway Safety and Motor Vehicles is
557 authorized to release a reproduction of a color-photograph or
558 digital-image license to the Department of Law Enforcement for
559 purposes of public notification of sexual offenders as provided
560 in this section and ss. 943.043 and 944.606. A sexual offender
561 who is unable to secure or update a driver license or
562 identification card with the Department of Highway Safety and
563 Motor Vehicles as provided in subsection (3) and this subsection
564 must also report any change in the sexual offender's permanent,
565 temporary, or transient residence or change in the offender's
566 name by reason of marriage or other legal process within 48
567 hours after the change to the sheriff's office in the county
568 where the offender resides or is located and provide
569 confirmation that he or she reported such information to the
570 Department of Highway Safety and Motor Vehicles.

571 (d) A sexual offender must register all any electronic
572 mail addresses and Internet identifiers ~~address or instant~~
573 ~~message name~~ with the department prior to using such electronic
574 mail addresses and Internet identifiers ~~address or instant~~
575 ~~message name on or after October 1, 2007.~~ The department shall

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576 establish an online system through which sexual offenders may
577 securely access and update all electronic mail address and
578 Internet identifier ~~instant message name~~ information.

579 (7) A sexual offender who intends to establish a
580 permanent, temporary, or transient residence in another state or
581 jurisdiction other than the State of Florida shall report in
582 person to the sheriff of the county of current residence within
583 48 hours before the date he or she intends to leave this state
584 to establish residence in another state or jurisdiction or
585 within 21 days before his or her planned departure date if the
586 intended residence of 5 days or more is outside of the United
587 States. The notification must include the address, municipality,
588 county, ~~and state,~~ and country of intended residence. The
589 sheriff shall promptly provide to the department the information
590 received from the sexual offender. The department shall notify
591 the statewide law enforcement agency, or a comparable agency, in
592 the intended state, ~~or jurisdiction,~~ or country of residence of
593 the sexual offender's intended residence. The failure of a
594 sexual offender to provide his or her intended place of
595 residence is punishable as provided in subsection (9).

596 (8) A sexual offender who indicates his or her intent to
597 establish a permanent, temporary, or transient residence in
598 another state, a ~~or jurisdiction~~ other than the State of
599 Florida, or another country and later decides to remain in this
600 state shall, within 48 hours after the date upon which the
601 sexual offender indicated he or she would leave this state,
602 report in person to the sheriff to which the sexual offender
603 reported the intended change of permanent, temporary, or

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604 transient residence, and report his or her intent to remain in
605 this state. The sheriff shall promptly report this information
606 to the department. A sexual offender who reports his or her
607 intent to establish a permanent, temporary, or transient
608 residence in another state, a ~~ex~~ jurisdiction other than the
609 State of Florida, or another country but who remains in this
610 state without reporting to the sheriff in the manner required by
611 this subsection commits a felony of the second degree,
612 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

613 (11) Except as provided in this subsection and s.
614 943.04354, a sexual offender must maintain registration with the
615 department for the duration of his or her life, unless the
616 sexual offender has received a full pardon or has had a
617 conviction set aside in a postconviction proceeding for any
618 offense that meets the criteria for classifying the person as a
619 sexual offender for purposes of registration. ~~However, a sexual~~
620 ~~offender.~~

621 (a)1. A sexual offender may petition the criminal division
622 of the circuit court of the circuit in which the sexual offender
623 resides for the purpose of removing the requirement for
624 registration as a sexual offender if ~~who has been lawfully~~
625 ~~released from confinement, supervision, or sanction, whichever~~
626 ~~is later, for at least 25 years and has not been arrested for~~
627 ~~any felony or misdemeanor offense since release, provided that~~
628 ~~the sexual offender's requirement to register was not based upon~~
629 ~~an adult conviction:~~

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630 a. Twenty-five years have elapsed since the sexual
631 offender's registration period for the most recent conviction
632 that required the offender to register began;

633 b. The sexual offender has not been convicted or
634 adjudicated delinquent of any felony offense or of an offense
635 punishable by more than 1 year of imprisonment during the 25
636 years preceding the petition to the court;

637 c. The sexual offender has successfully completed all
638 sanctions imposed for all offenses that required the offender to
639 register;

640 d. The sexual offender's requirement to register was not
641 based upon an adult conviction for a violation of s. 787.01, s.
642 794.011, excluding s. 794.011(10), s. 800.04(4)(b) where the
643 court finds the offense involved a victim under 12 years of age
644 or sexual activity by the use of force or coercion, s.
645 800.04(5)(b), or s. 800.04(5)(c)2. where the court finds the
646 offense involved unclothed genitals or genital area; for any
647 attempt or conspiracy to commit any offense listed in this sub-
648 subparagraph; or for a violation of similar law of another
649 jurisdiction; and

650 e. For sexual offenders whose requirement to register is
651 based upon a conviction in another state, the sexual offender is
652 not required to register as a sexual offender pursuant to the
653 laws of the state where the conviction occurred. Such offenders
654 must provide the court written confirmation that he or she is
655 not required to register in the state where the conviction
656 occurred.

657 ~~a. For a violation of s. 787.01 or s. 787.02;~~

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658 ~~b. For a violation of s. 794.011, excluding s.~~

659 ~~794.011(10);~~

660 ~~c. For a violation of s. 800.04(4)(b) where the court~~
661 ~~finds the offense involved a victim under 12 years of age or~~
662 ~~sexual activity by the use of force or coercion;~~

663 ~~d. For a violation of s. 800.04(5)(b);~~

664 ~~e. For a violation of s. 800.04(5)c.2. where the court~~
665 ~~finds the offense involved unclothed genitals or genital area;~~

666 ~~f. For any attempt or conspiracy to commit any such~~
667 ~~offense; or~~

668 ~~g. For a violation of similar law of another jurisdiction,~~

669

670 ~~may petition the criminal division of the circuit court of the~~
671 ~~circuit in which the sexual offender resides for the purpose of~~
672 ~~removing the requirement for registration as a sexual offender.~~

673 2. A sexual offender whose requirement to register was
674 based upon an adult conviction for a violation of s. 787.02 or
675 s. 827.071(5), for any attempt or conspiracy to commit any
676 offense listed in this subparagraph, or for a violation of
677 similar law of another jurisdiction may petition the criminal
678 division of the circuit court of the circuit in which the sexual
679 offender resides for the purpose of removing the requirement for
680 registration as a sexual offender if:

681 a. Fifteen years have elapsed since the sexual offender's
682 registration period for the most recent conviction that required
683 the offender to register began;

684 b. The sexual offender has not been convicted or
685 adjudicated delinquent of any felony offense or of an offense

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686 punishable by more than 1 year of imprisonment during the 10
687 years preceding the petition to the court;

688 c. The sexual offender has successfully completed all
689 sanctions imposed for all offenses that required the offender to
690 register; and

691 d. For sexual offenders whose requirement to register is
692 based upon a conviction in another state, the sexual offender is
693 not required to register as a sexual offender pursuant to the
694 laws of the state where the conviction occurred. Such offenders
695 must provide the court written confirmation that he or she is
696 not required to register in the state where the conviction
697 occurred.

698 3. A sexual offender required to register under sub-
699 subparagraph (1)(a)1.d. may petition the criminal division of
700 the circuit court of the circuit in which the sexual offender
701 resides for the purpose of removing the requirement for
702 registration as a sexual offender if:

703 a. Twenty-five years have elapsed since the sexual
704 offender's registration period for the most recent adjudication
705 that required the offender to register began;

706 b. The sexual offender has not been convicted or
707 adjudicated delinquent of any felony offense or of an offense
708 punishable by more than 1 year of imprisonment during the 25
709 years preceding the petition to the court; and

710 c. The sexual offender has successfully completed all
711 sanctions imposed for any offense that required the offender to
712 register.

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713 ~~4.2-~~ The court may grant or deny relief if the offender
714 demonstrates to the court that ~~he or she has not been arrested~~
715 ~~for any crime since release;~~ the requested relief complies with
716 this paragraph, the provisions of the federal Adam Walsh Child
717 Protection and Safety Act of 2006, and any other federal
718 standards applicable to the removal of registration requirements
719 for a sexual offender or required to be met as a condition for
720 the receipt of federal funds by the state; and the court is
721 otherwise satisfied that the offender is not a current or
722 potential threat to public safety. The state attorney in the
723 circuit in which the petition is filed and the department must
724 be given notice of the petition at least 3 weeks before the
725 hearing on the matter. The state attorney may present evidence
726 in opposition to the requested relief or may otherwise
727 demonstrate the reasons why the petition should be denied. If
728 the court grants the petition, the court shall instruct the
729 petitioner to provide the department with a certified copy of
730 the order granting relief. If the court denies the petition, the
731 court may set a future date at which the sexual offender may
732 again petition the court for relief, subject to the standards
733 for relief provided in this subsection.

734 ~~5.3-~~ The department shall remove an offender from
735 classification as a sexual offender for purposes of registration
736 if the offender provides to the department a certified copy of
737 the court's written findings or order that indicates that the
738 offender is no longer required to comply with the requirements
739 for registration as a sexual offender.

740 6. For purposes of this paragraph:

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741 a. The registration period of a sexual offender sentenced
742 to a term of incarceration or committed to a residential program
743 begins upon the offender's release from incarceration or
744 commitment for the most recent conviction that required the
745 offender to register.

746 b. A sexual offender's registration period is tolled
747 during any period in which the offender is incarcerated, civilly
748 committed, detained pursuant to chapter 985, or committed to a
749 residential program.

750 (b) A sexual offender as defined in sub-subparagraph
751 (1)(a)1.b. must maintain registration with the department for
752 the duration of his or her life until the person provides the
753 department with an order issued by the court that designated the
754 person as a sexual predator, as a sexually violent predator, or
755 by another sexual offender designation in the state or
756 jurisdiction in which the order was issued which states that
757 such designation has been removed or demonstrates to the
758 department that such designation, if not imposed by a court, has
759 been removed by operation of law or court order in the state or
760 jurisdiction in which the designation was made, and provided
761 such person no longer meets the criteria for registration as a
762 sexual offender under the laws of this state.

763 (14)

764 (c) The sheriff's office may determine the appropriate
765 times and days for reporting by the sexual offender, which shall
766 be consistent with the reporting requirements of this
767 subsection. Reregistration shall include any changes to the
768 following information:

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769 1. Name; social security number; age; race; sex; date of
770 birth; height; weight; hair and eye color; address of any
771 permanent residence and address of any current temporary
772 residence, within the state or out of state, including a rural
773 route address and a post office box; if no permanent or
774 temporary address, any transient residence within the state;
775 address, location or description, and dates of any current or
776 known future temporary residence within the state or out of
777 state; ~~any~~ electronic mail addresses ~~address and~~ or Internet
778 identifiers ~~any instant message name~~ required to be provided
779 pursuant to paragraph (4)(d); home telephone numbers ~~number~~ and
780 or any cellular telephone numbers ~~number~~; date and place of any
781 employment; the vehicle make, model, color, registration number,
782 and license tag number of any vehicles owned; fingerprints; palm
783 prints; and photograph. A post office box may shall not be
784 provided in lieu of a physical residential address. The sexual
785 offender must also produce his or her passport, if he or she has
786 a passport, and, if he or she is an alien, must produce or
787 provide information about documents establishing his or her
788 immigration status. The sexual offender must also provide
789 information about any professional licenses he or she may have.

790 2. If the sexual offender is enrolled, volunteering,
791 employed, or carrying on a vocation at an institution of higher
792 education in this state, the sexual offender shall also provide
793 to the department the name, address, and county of each
794 institution, including each campus attended, and the sexual
795 offender's enrollment, volunteer, or employment status.

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796 3. If the sexual offender's place of residence is a motor
797 vehicle, trailer, mobile home, or manufactured home, as defined
798 in chapter 320, the sexual offender shall also provide the
799 vehicle identification number; the license tag number; the
800 registration number; and a description, including color scheme,
801 of the motor vehicle, trailer, mobile home, or manufactured
802 home. If the sexual offender's place of residence is a vessel,
803 live-aboard vessel, or houseboat, as defined in chapter 327, the
804 sexual offender shall also provide the hull identification
805 number; the manufacturer's serial number; the name of the
806 vessel, live-aboard vessel, or houseboat; the registration
807 number; and a description, including color scheme, of the
808 vessel, live-aboard vessel or houseboat.

809 4. Any sexual offender who fails to report in person as
810 required at the sheriff's office, ~~or~~ who fails to respond to any
811 address verification correspondence from the department within 3
812 weeks of the date of the correspondence, ~~or~~ who fails to report
813 all electronic mail addresses and all Internet identifiers prior
814 to use or instant message names, or who knowingly provides false
815 registration information by act or omission commits a felony of
816 the third degree, punishable as provided in s. 775.082, s.
817 775.083, or s. 775.084.

818 Section 5. Section 943.04351, Florida Statutes, is amended
819 to read:

820 943.04351 Search of registration information regarding
821 sexual predators and sexual offenders required prior to
822 appointment or employment.—A state agency or governmental
823 subdivision, prior to making any decision to appoint or employ a

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824 person to work, whether for compensation or as a volunteer, at
825 any park, playground, day care center, or other place where
826 children regularly congregate, must conduct a search of that
827 person's name or other identifying information against the
828 registration information regarding sexual predators and sexual
829 offenders maintained by the Department of Law Enforcement under
830 s. 943.043. The agency or governmental subdivision may conduct
831 the search using the Internet site maintained by the Department
832 of Law Enforcement. Also, a national search must be conducted
833 through the Dru Sjodin National Sex Offender Public Website
834 maintained by the United States Department of Justice. This
835 section does not apply to those positions or appointments within
836 a state agency or governmental subdivision for which a state and
837 national criminal history background check is conducted.

838 Section 6. Section 943.04354, Florida Statutes, is amended
839 to read:

840 943.04354 Removal of the requirement to register as a
841 sexual offender or sexual predator in special circumstances.-

842 (1) For purposes of this section, a person shall be
843 considered for removal of the requirement to register as a
844 sexual offender or sexual predator only if the person:

845 (a) Was ~~or will be~~ convicted, regardless of adjudication,
846 or adjudicated delinquent of a violation of s. 794.011, s.
847 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in
848 another jurisdiction, ~~or the person committed a violation of s.~~
849 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~
850 ~~adjudication of guilt was or will be withheld,~~ and the person
851 does not have any other conviction, regardless of adjudication,

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852 or adjudication of delinquency, ~~or withhold of adjudication of~~
853 ~~guilt~~ for a violation of s. 794.011, s. 800.04, s. 827.071, or
854 s. 847.0135(5), or a similar offense in another jurisdiction;

855 (b)1. Was convicted, regardless of adjudication, or
856 adjudicated delinquent of an offense listed in paragraph (a) and
857 is required to register as a sexual offender or sexual predator
858 solely on the basis of this conviction or adjudication
859 violation; or and

860 2. Was convicted, regardless of adjudication, or
861 adjudicated delinquent of an offense in another jurisdiction
862 that is similar to an offense listed in paragraph (a) and no
863 longer meets the criteria for registration as a sexual offender
864 or sexual predator under the laws of the jurisdiction where the
865 similar offense occurred; and

866 (c) Is not more than 4 years older than the victim of this
867 violation who was 13 ~~14~~ years of age or older but less ~~not more~~
868 than 18 ~~17~~ years of age at the time the person committed this
869 violation.

870 (2) If a person meets the criteria in subsection (1) and
871 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
872 ~~847.0135(5) was committed on or after July 1, 2007, the person~~
873 may move the criminal court of the circuit in which the offense
874 occurred or the sentencing court or, for persons convicted or
875 adjudicated delinquent of a qualifying offense in another
876 jurisdiction, the criminal circuit court of the circuit in which
877 the person resides ~~that will sentence or dispose of this~~
878 ~~violation~~ to remove the requirement that the person register as
879 a sexual offender or sexual predator. The person must allege in

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880 the motion that he or she meets the criteria in subsection (1)
881 and that removal of the registration requirement will not
882 conflict with federal law. Persons convicted or adjudicated
883 delinquent of an offense in another jurisdiction that is similar
884 to an offense listed in paragraph (1)(a) must provide the court
885 written confirmation that he or she is not required to register
886 in the state where the conviction or adjudication occurred. The
887 state attorney and the department must be given notice of the
888 motion at least 21 days before the date of sentencing, ~~or~~
889 disposition of the this violation, or hearing on the motion and
890 may present evidence in opposition to the requested relief or
891 may otherwise demonstrate why the motion should be denied. At
892 sentencing, ~~or~~ disposition of the this violation, or hearing on
893 the motion, the court shall rule on this motion and, if the
894 court determines the person meets the criteria in subsection (1)
895 and the removal of the registration requirement will not
896 conflict with federal law, it may grant the motion and order the
897 removal of the registration requirement. The court shall
898 instruct the person to provide the department a certified copy
899 of the order granting relief. If the court denies the motion,
900 the person is not authorized under this section to file another
901 motion petition for removal of the registration requirement.

902 ~~(3)(a) This subsection applies to a person who:~~

903 ~~1. Is not a person described in subsection (2) because the~~
904 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
905 ~~committed on or after July 1, 2007;~~

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906 2. ~~Is subject to registration as a sexual offender or~~
907 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~
908 ~~827.071; and~~

909 3. ~~Meets the criteria in subsection (1).~~

910 (b) ~~A person may petition the court in which the sentence~~
911 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~
912 ~~827.071 occurred for removal of the requirement to register as a~~
913 ~~sexual offender or sexual predator. The person must allege in~~
914 ~~the petition that he or she meets the criteria in subsection (1)~~
915 ~~and removal of the registration requirement will not conflict~~
916 ~~with federal law. The state attorney must be given notice of the~~
917 ~~petition at least 21 days before the hearing on the petition and~~
918 ~~may present evidence in opposition to the requested relief or~~
919 ~~may otherwise demonstrate why the petition should be denied. The~~
920 ~~court shall rule on the petition and, if the court determines~~
921 ~~the person meets the criteria in subsection (1) and removal of~~
922 ~~the registration requirement will not conflict with federal law,~~
923 ~~it may grant the petition and order the removal of the~~
924 ~~registration requirement. If the court denies the petition, the~~
925 ~~person is not authorized under this section to file any further~~
926 ~~petition for removal of the registration requirement.~~

927 (3)(4) If a person provides to the Department of Law
928 Enforcement a certified copy of the court's order removing the
929 requirement that the person register as a sexual offender or
930 sexual predator for the violation of s. 794.011, s. 800.04, s.
931 827.071, or s. 847.0135(5), or a similar offense in another
932 jurisdiction, the registration requirement will not apply to the
933 person and the department shall remove all information about the

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934 person from the public registry of sexual offenders and sexual
935 predators maintained by the department. However, the removal of
936 this information from the public registry does not mean that the
937 public is denied access to information about the person's
938 criminal history or record that is otherwise available as a
939 public record.

940 Section 7. Subsection (2) and paragraph (a) of subsection
941 (3) of section 943.0437, Florida Statutes, are amended to read:

942 943.0437 Commercial social networking websites.—

943 (2) The department may provide information relating to
944 electronic mail addresses and Internet identifiers ~~instant~~
945 ~~message names~~ maintained as part of the sexual offender registry
946 to commercial social networking websites or third parties
947 designated by commercial social networking websites. The
948 commercial social networking website may use this information
949 for the purpose of comparing registered users and screening
950 potential users of the commercial social networking website
951 against the list of electronic mail addresses and Internet
952 identifiers ~~instant message names~~ provided by the department.

953 (3) This section shall not be construed to impose any
954 civil liability on a commercial social networking website for:

955 (a) Any action voluntarily taken in good faith to remove
956 or disable any profile of a registered user associated with an
957 electronic mail address or Internet identifier ~~instant message~~
958 ~~name~~ contained in the sexual offender registry.

959 Section 8. Paragraphs (b) and (d) of subsection (1) and
960 paragraph (a) of subsection (3) of section 944.606, Florida
961 Statutes, are amended to read:

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962 944.606 Sexual offenders; notification upon release.-

963 (1) As used in this section:

964 (b) "Sexual offender" means a person who has been
965 convicted of committing, or attempting, soliciting, or
966 conspiring to commit, any of the criminal offenses proscribed in
967 the following statutes in this state or similar offenses in
968 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
969 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
970 the defendant is not the victim's parent or guardian; s.
971 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
972 796.045; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
973 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
974 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
975 similar offense committed in this state which has been
976 redesignated from a former statute number to one of those listed
977 in this subsection, when the department has received verified
978 information regarding such conviction; an offender's
979 computerized criminal history record is not, in and of itself,
980 verified information.

981 (d) "Internet identifier ~~Instant message name~~" has the
982 same meaning as provided in s. 775.21 ~~means an identifier that~~
983 ~~allows a person to communicate in real time with another person~~
984 ~~using the Internet.~~

985 (3)(a) The department must provide information regarding
986 any sexual offender who is being released after serving a period
987 of incarceration for any offense, as follows:

988 1. The department must provide: the sexual offender's
989 name, any change in the offender's name by reason of marriage or

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

Amendment No. 1

990 other legal process, and any alias, if known; the correctional
991 facility from which the sexual offender is released; the sexual
992 offender's social security number, race, sex, date of birth,
993 height, weight, and hair and eye color; address of any planned
994 permanent residence or temporary residence, within the state or
995 out of state, including a rural route address and a post office
996 box; if no permanent or temporary address, any transient
997 residence within the state; address, location or description,
998 and dates of any known future temporary residence within the
999 state or out of state; date and county of sentence and each
1000 crime for which the offender was sentenced; a copy of the
1001 offender's fingerprints, palm prints, and a digitized photograph
1002 taken within 60 days before release; the date of release of the
1003 sexual offender; all any electronic mail addresses address and
1004 all Internet identifiers any instant message name required to be
1005 provided pursuant to s. 943.0435(4)(d); all and home telephone
1006 numbers number and any cellular telephone numbers; information
1007 about any professional licenses the offender may have, if known;
1008 and passport information, if he or she has a passport, and, if
1009 he or she is an alien, information about documents establishing
1010 his or her immigration status number. The department shall
1011 notify the Department of Law Enforcement if the sexual offender
1012 escapes, absconds, or dies. If the sexual offender is in the
1013 custody of a private correctional facility, the facility shall
1014 take the digitized photograph of the sexual offender within 60
1015 days before the sexual offender's release and provide this
1016 photograph to the Department of Corrections and also place it in
1017 the sexual offender's file. If the sexual offender is in the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

Amendment No. 1

1018 custody of a local jail, the custodian of the local jail shall
1019 register the offender within 3 business days after intake of the
1020 offender for any reason and upon release, and shall notify the
1021 Department of Law Enforcement of the sexual offender's release
1022 and provide to the Department of Law Enforcement the information
1023 specified in this paragraph and any information specified in
1024 subparagraph 2. that the Department of Law Enforcement requests.

1025 2. The department may provide any other information deemed
1026 necessary, including criminal and corrections records,
1027 nonprivileged personnel and treatment records, when available.

1028 Section 9. Paragraphs (a) and (f) of subsection (1),
1029 subsection (4), and paragraph (c) of subsection (13) of section
1030 944.607, Florida Statutes, are amended to read:

1031 944.607 Notification to Department of Law Enforcement of
1032 information on sexual offenders.-

1033 (1) As used in this section, the term:

1034 (a) "Sexual offender" means a person who is in the custody
1035 or control of, or under the supervision of, the department or is
1036 in the custody of a private correctional facility:

1037 1. On or after October 1, 1997, as a result of a
1038 conviction for committing, or attempting, soliciting, or
1039 conspiring to commit, any of the criminal offenses proscribed in
1040 the following statutes in this state or similar offenses in
1041 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1042 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1043 the defendant is not the victim's parent or guardian; s.
1044 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
1045 796.035; s. 796.045; s. 800.04; s. 825.1025; s. 827.071; s.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

Amendment No. 1

1046 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1047 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
1048 similar offense committed in this state which has been
1049 redesignated from a former statute number to one of those listed
1050 in this paragraph; or

1051 2. Who establishes or maintains a residence in this state
1052 and who has not been designated as a sexual predator by a court
1053 of this state but who has been designated as a sexual predator,
1054 as a sexually violent predator, or by another sexual offender
1055 designation in another state or jurisdiction and was, as a
1056 result of such designation, subjected to registration or
1057 community or public notification, or both, or would be if the
1058 person were a resident of that state or jurisdiction, without
1059 regard as to whether the person otherwise meets the criteria for
1060 registration as a sexual offender.

1061 (f) "Internet identifier ~~Instant message name~~" has the
1062 same meaning as provided in s. 775.21 ~~means an identifier that~~
1063 ~~allows a person to communicate in real time with another person~~
1064 ~~using the Internet.~~

1065 (4) A sexual offender, as described in this section, who
1066 is under the supervision of the Department of Corrections but is
1067 not incarcerated must register with the Department of
1068 Corrections within 3 business days after sentencing for a
1069 registrable offense and otherwise provide information as
1070 required by this subsection.

1071 (a) The sexual offender shall provide his or her name;
1072 date of birth; social security number; race; sex; height;
1073 weight; hair and eye color; tattoos or other identifying marks;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

Amendment No. 1

1074 | all any electronic mail addresses ~~address~~ and all Internet
1075 | identifiers ~~any instant message name~~ required to be provided
1076 | pursuant to s. 943.0435(4)(d); all home telephone numbers and
1077 | cellular telephone numbers; the make, model, color, registration
1078 | number, and license tag number of all vehicles owned; permanent
1079 | or legal residence and address of temporary residence within the
1080 | state or out of state while the sexual offender is under
1081 | supervision in this state, including any rural route address or
1082 | post office box; if no permanent or temporary address, any
1083 | transient residence within the state; and address, location or
1084 | description, and dates of any current or known future temporary
1085 | residence within the state or out of state. The sexual offender
1086 | must also produce his or her passport, if he or she has a
1087 | passport, and, if he or she is an alien, must produce or provide
1088 | information about documents establishing his or her immigration
1089 | status. The sexual offender must also provide information about
1090 | any professional licenses he or she may have. The Department of
1091 | Corrections shall verify the address of each sexual offender in
1092 | the manner described in ss. 775.21 and 943.0435. The department
1093 | shall report to the Department of Law Enforcement any failure by
1094 | a sexual predator or sexual offender to comply with registration
1095 | requirements.

1096 | (b) If the sexual offender is enrolled, employed,
1097 | volunteering, or carrying on a vocation at an institution of
1098 | higher education in this state, the sexual offender shall
1099 | provide the name, address, and county of each institution,
1100 | including each campus attended, and the sexual offender's
1101 | enrollment, volunteer, or employment status. Each change in

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 455 (2012)

Amendment No. 1

1102 enrollment, volunteer, or employment status shall be reported to
1103 the department within 48 hours after the change in status. The
1104 Department of Corrections shall promptly notify each institution
1105 of the sexual offender's presence and any change in the sexual
1106 offender's enrollment, volunteer, or employment status.

1107 (13)

1108 (c) The sheriff's office may determine the appropriate
1109 times and days for reporting by the sexual offender, which shall
1110 be consistent with the reporting requirements of this
1111 subsection. Reregistration shall include any changes to the
1112 following information:

1113 1. Name; social security number; age; race; sex; date of
1114 birth; height; weight; hair and eye color; address of any
1115 permanent residence and address of any current temporary
1116 residence, within the state or out of state, including a rural
1117 route address and a post office box; if no permanent or
1118 temporary address, any transient residence; address, location or
1119 description, and dates of any current or known future temporary
1120 residence within the state or out of state; ~~any~~ electronic mail
1121 addresses ~~address~~ ~~and~~ or Internet identifiers ~~any instant~~
1122 ~~message name~~ required to be provided pursuant to s.
1123 943.0435(4)(d); home telephone numbers or cellular telephone
1124 numbers; date and place of any employment; the vehicle make,
1125 model, color, registration number, and license tag number of any
1126 vehicles owned; fingerprints; palm prints; and photograph. A
1127 post office box shall not be provided in lieu of a physical
1128 residential address. The sexual offender must also produce his
1129 or her passport, if he or she has a passport, and, if he or she

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1130 is an alien, must produce or provide information about documents
1131 establishing his or her immigration status. The sexual offender
1132 must also provide information about any professional licenses he
1133 or she may have.

1134 2. If the sexual offender is enrolled, employed,
1135 volunteering, or carrying on a vocation at an institution of
1136 higher education in this state, the sexual offender shall also
1137 provide to the department the name, address, and county of each
1138 institution, including each campus attended, and the sexual
1139 offender's enrollment, volunteer, or employment status.

1140 3. If the sexual offender's place of residence is a motor
1141 vehicle, trailer, mobile home, or manufactured home, as defined
1142 in chapter 320, the sexual offender shall also provide the
1143 vehicle identification number; the license tag number; the
1144 registration number; and a description, including color scheme,
1145 of the motor vehicle, trailer, mobile home, or manufactured
1146 home. If the sexual offender's place of residence is a vessel,
1147 live-aboard vessel, or houseboat, as defined in chapter 327, the
1148 sexual offender shall also provide the hull identification
1149 number; the manufacturer's serial number; the name of the
1150 vessel, live-aboard vessel, or houseboat; the registration
1151 number; and a description, including color scheme, of the
1152 vessel, live-aboard vessel or houseboat.

1153 4. Any sexual offender who fails to report in person as
1154 required at the sheriff's office, ~~or~~ who fails to respond to any
1155 address verification correspondence from the department within 3
1156 weeks of the date of the correspondence, ~~or~~ who fails to report
1157 all electronic mail addresses or all Internet identifiers prior

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Amendment No. 1

1158 | to use or instant message names, or who knowingly provides false
1159 | registration information by act or omission commits a felony of
1160 | the third degree, punishable as provided in s. 775.082, s.
1161 | 775.083, or s. 775.084.

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/CS/CS/HB 481 : Clerks of Court

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz			X		
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/CS/CS/HB 481 Amendments

Amendment 323217

Adopted Without Objection

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/CS/HB 481 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Steinberg offered the following:

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

5 Between lines 44 and 45, insert:

6 Section 2. Effective July 1, 2013, section 28.211, Florida
7 Statutes, is amended to read:

8 28.211 Clerk to keep docket.—The clerk of the circuit
9 court shall keep a progress docket in which he or she shall note
10 the filing of each pleading, motion, or other paper and any step
11 taken by him or her in connection with each action, appeal, or
12 other proceeding before the court. The clerk may keep separate
13 progress dockets for civil and criminal matters. The clerk shall
14 keep an alphabetical index, direct and inverse, for the docket.
15 Notwithstanding any other law, a clerk may not charge a fee to
16 view or print a copy of a docket via the Internet.

17
18 Remove lines 472-473 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/CS/HB 481 (2012)

Amendment No. 1

19 Section 11. Except as expressly provided in this act, this
20 act shall take effect upon becoming a law.

21

22

23

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

24

Remove line 5 and insert:

25

electronically time stamped; amending s. 28.211, F.S.;

26

prohibiting a clerk from charging a fee to view or

27

print a copy of a docket via the Internet; amending s.

28

28.222, F.S.;

29

30

Remove line 28 and insert:

31

subject to a tax sale; providing effective dates.

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 609 : Wage Protection for Employees

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 12		Total Nays: 6			

HB 609 Amendments

Amendment 467847

Failed to Adopt

Amendment 020083

Failed to Adopt

Amendment 039561

Failed to Adopt

Amendment 292357

Adopted Without Objection

Amendment 439369

Withdrawn

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 609 : Wage Protection for Employees (continued)

Amendment 797485

Not Considered

Appearances:

HB 609

Rogers, John (Lobbyist) - Proponent
Senior Vice President & General Counsel, FL. Retail Federation
227 S. Adams St
Tallahassee FL 32301
Phone: (850) 222-4082

HB 609

Turner, Richard (Lobbyist) - Waive In Support
Vice President Government Relations, Florida Restaurant and Lodging Association
230 S Adams St
Tallahassee FL 32302-7710
Phone: (850) 224-2250

HB 609

Husband, Warren (Lobbyist) - Waive In Support
Florida Associated General Contractors
PO Box 10909
Tallahassee FL 32302
Phone: (850) 205-9000

HB 609

Bowen, Carol (Lobbyist) - Waive In Support
Vice President Government Affairs, Associated Builders & Contractors of Florida
3730 Coconut Creek Pkwy Suite 200
Coconut Creek FL 32329
Phone: (954) 984-0075

HB 609

Smith, Jeanette (General Public) - Opponent
South Florida Interfaith Worker Justice
150 SW 13th Ave
Miami FL 33135

HB 609

Perry, Gail Marie (General Public) - Waive In Opposition
Chair, Communications Workers of America Council of Florida
P O Box 1766
Pompano Beach FL 33061
Phone: (954) 850-4055

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 609 : Wage Protection for Employees (continued)

Appearances: (continued)

HB 609

Linton, Glynda (General Public) - Opponent

1 SW 58 Ave

Plantation FL 33317

Phone: (954) 648-5571

HB 609

Templin, Rich (Lobbyist) - Proponent

Florida AFL-CIO

135 S. Monroe

Tallahassee FL 32301

Phone: (850) 224-6926

HB 609

Godinez-Samperio, Jose Manuel (General Public) - Waive In Opposition

Advocates for Immigrant and Refugee Rights (AIRR)

5411 Maple Ln

Tampa FL 33610

Phone: (813) 600-0004

HB 609

Marciano, Anthony (General Public) - Waive In Opposition

10221 Dorchester Dr.

Boca Raton FL 33428

Phone: (954) 632-6878

HB 609

Bevis, Fred (General Public) - Waive In Opposition

1115 Alfred Dr

Orlando FL 32810

Phone: (321) 277-3486

HB 609

Tate, Joseph (General Public) - Waive In Opposition

5973 Copper Creek Dr.

Jacksonville FL 32218

Phone: (904) 765-3746

HB 609

Hopkins, Sheila (Lobbyist) - Opponent

Associate Director, Florida Catholic Conference

201 W Park Ave

Tallahassee FL 32301

Phone: (850) 205-6826

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 609 : Wage Protection for Employees (continued)

Appearances: (continued)

HB 609

Rosenberg, Arthur (Lobbyist) - Opponent
Attorney, Florida Legal Services
3000 Biscayne Blvd #102
Miami FL 33137
Phone: (850) 509-2085

HB 609

McCarty, Jess (Lobbyist) - Opponent
Assistant County Attorney, Miami-Dade County
111 NW 1st Street Suite 2810
Miami Florida 33128
Phone: (305) 979-7110

HB 609

Lewandowski, Andrew (General Public) - Waive In Opposition
AFL-CIO
Hudson FL

HB 609

Pitts, Brian - Opponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

HB 609

Thomas, William (General Public) - Waive In Opposition
8227 Alveron Ave
Orlando FL 32817
Phone: (321) 279-5092

HB 609

Woodall, Karen (Lobbyist) - Opponent
Florida Center for Fiscal and Economic Policy
545 E. Tennessee Street
Tallahassee FL 32308
Phone: 850-321-9386

HB 609

Bevis, Brewster (Lobbyist) - Waive In Support
vice President, External Relations, Associated Industries of Florida
516 N. Adams St.
Tallahassee FL 32301
Phone: 850-224-7173

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Unfavorable -
Superseded by
Amendment 292357
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Steinberg offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. (1) (a) The Legislature finds, as a matter of
7 public policy, that it is necessary to declare that the theft of
8 wages through the denial of compensation for work completed at
9 the amount agreed upon by an employer and employee is against
10 the law and policies of the state.

11 (b) The Legislature further finds that employers,
12 employees, local communities, the overall business climate, and
13 the public all benefit from wage theft policies and programs
14 that ensure that agreed upon or promised rates of pay are
15 enforced.

16 (2) As used in this section, the term "wage theft" means
17 an underpayment or nonpayment of an individual worker's wages,
18 salaries, commissions, or other similar compensation agreed upon
19 by an employer and employee.

Amendment No. 1

20 (3) (a) A wage theft violation exists when an employer
21 fails to pay any portion of wages, salaries, commissions, or
22 other similar form of compensation due to an employee for the
23 work that those wages were agreed to and which were due, within
24 a reasonable time after the date on which the employee performed
25 the work according to the applicable rate and the employer's own
26 pay schedule established by policy or practice, but in no case
27 later than 30 days after the date the work was performed.

28 (b) If a pay schedule has not been established, a
29 reasonable time after the date on which that employee performed
30 the work shall be 2 weeks.

31 (4) (a) In the event of a finding of wage theft, the
32 employer shall be liable for the actual back wages due and owing
33 and may be liable for administrative costs in an amount not to
34 exceed \$1,500. In addition, liquidated damages shall be awarded
35 to the employee. Liquidated damages shall be limited to twice
36 the amount a respondent employer is found to have unlawfully
37 failed to pay the complainant employee.

38 (b) For a second violation, a fine of \$1,000 shall be
39 charged against the employer in addition to liquidated damages
40 and any administrative costs.

41 (c) For a third or subsequent violation, an employer shall
42 be subject to a fine of \$2,000 per aggrieved worker, and may be
43 liable for administrative costs in an amount not to exceed
44 \$2,500.

45 (5) Any action brought under this section shall be
46 commenced within 1 year after the last date upon which wages

Amendment No. 1

47 were due to the employee that is the subject of the wage theft
48 claim.

49 (6) (a) A county may, by local ordinance, establish an
50 administrative process to address wage theft. The process shall
51 afford the parties involved an opportunity to negotiate a
52 resolution to the wages in question. A county, municipality, or
53 political subdivision may not adopt or maintain in effect any
54 ordinance or rule that creates requirements or regulations for
55 the purpose of addressing wage theft other than to establish the
56 administrative process provided for in this section.

57 (b) Local ordinances must establish a system that
58 provides:

59 1. A process by which a complaint can be submitted to the
60 county by, or on behalf of, an aggrieved employee, in which a
61 wage theft violation must be alleged.

62 2. Requirements relating to service of the complaint and
63 written notice on the respondent employer alleged to have
64 committed a wage theft practice, setting forth the allegations
65 put forth in the complaint and the rights and obligations of the
66 parties, which shall include the right of the respondent to file
67 an answer to the complaint, the right to a conciliation process
68 between the two parties, and the right to a hearing on the
69 matter before a county hearing officer.

70 (c) It shall be the policy of each county to encourage
71 conciliation of the charges made, and to work with the parties
72 in an attempt to conciliate and resolve the matter. A hearing
73 officer may be appointed only if the matter is not resolved
74 through conciliation in accordance with this paragraph.

Amendment No. 1

75 (d) The final determination of a hearing officer is
76 subject to appeal to a court of competent jurisdiction.

77 (e) If a preponderance of the evidence demonstrates a wage
78 theft violation has occurred, the hearing officer shall order
79 the employer to pay wage theft restitution to the affected
80 employee along with liquidated damages and any administrative
81 costs.

82 (f) The regulation of wage theft through local ordinance
83 shall be limited to requiring that employers pay their employees
84 for work performed at the agreed upon rate of pay and
85 establishing a fair procedure and program to review and enforce
86 wage agreements.

87 (g) An employee not timely paid wages, final compensation,
88 or wage supplements by his or her employer as required by this
89 section shall be entitled to recover through a claim filed in a
90 process or program established in the employee's county of
91 employment, or in a civil action, but not both.

92 (7) If the employer is found to have acted in good faith
93 or if the employer had reason to believe that the act or
94 omission was not intentional or was not wage theft, the
95 administrative costs against the employer may be waived.

96 (8) Any local ordinance adopted and implemented before
97 this act takes effect shall remain in place until the local
98 government amends or repeals it.

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

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Amendment No. 1

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

Remove the entire title and insert:

A bill to be entitled

An act relating to wage protection for employees;
providing legislative findings; providing a
definition; providing when a wage theft violation
exists; providing employer liability; providing fines;
providing a statute of limitations; authorizing a
county to establish an administrative process to
address wage theft by local ordinance; providing
requirements; authorizing administrative costs against
the employer to be waived under certain conditions;
providing that any prior local ordinance adopted and
implemented shall remain in place until such time that
the local government elects to amend or repeal it;
providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 609 (2012)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Soto offered the following:

3
 4 **Amendment to Amendment (467847) by Representative Soto**
 5 **(with title amendment)**

6 Between lines 98 and 99 of the amendment, insert:

7 Section 2. The Legislature, with the consultation of
 8 affected stakeholders, shall conduct an interim project to study
 9 issues related to wage theft in the state and to determine an
 10 approach for a statewide wage theft enforcement process.

11
 12
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 14
 15 -----
 16 **T I T L E A M E N D M E N T**

17 Remove line 118 of the amendment and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 609 (2012)

Amendment No. 1a

18 requiring the Legislature to conduct an interim project to study
19 issues related to wage theft in the state and to determine an
20 approach for a statewide wage theft enforcement process;
21

Amendment No. 1s

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Goodson offered the following:

3
4 **Substitute Amendment for Amendment (467847) by**
5 **Representative Steinberg (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. (1) There is created a civil cause of action
8 for the collection of unpaid wages.

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

10 (a) "Wages" means wages, salaries, commissions, or other
11 similar forms of compensation.

12 (b) "Unpaid wages" means the improper underpayment or
13 nonpayment of wages within a reasonable time after the date on
14 which the employee performed the work for which the wages are
15 compensable.

16 (3) An employer shall pay the wages due to an employee for
17 the work that the employee performed and which are due within a
18 reasonable time after the date on which the employee performed
19 the work. The employer shall pay the wages according to the

Amendment No. 1s

20 applicable rate and the employer's own pay schedule established
21 by policy or practice. If a pay schedule has not been
22 established, a reasonable time following the date on which that
23 employee performed the work is presumed to be 2 weeks.

24 (4) As a condition precedent to bringing a claim for
25 unpaid wages, the claimant shall notify in writing the employer
26 alleged to have violated this section of the employee's intent
27 to initiate a claim. The notice must identify the amount that
28 the claimant alleges he or she is owed, the actual or estimated
29 work dates and hours for which payment is sought, and the total
30 amount of alleged unpaid wages through the date of the notice.
31 The employer has 15 days following the date of service of the
32 notice to pay the total amount of unpaid wages or otherwise
33 resolve the claim to the satisfaction of the claimant.

34 (5) The claim shall have its venue in the county where the
35 work was performed or where the employer resides. A claim for
36 unpaid wages shall be tried before the court and not before a
37 jury. The claimant does not have a right to a class action to
38 enforce such unpaid wage claims.

39 (6) A claim for unpaid wages under this section must be
40 filed within 1 year following the last date that the allegedly
41 unpaid work was performed by the employee.

42 (7) A prevailing claimant is entitled to damages, which
43 shall be the actual wages due and owing, plus court costs and
44 interest.

45 (8)(a) A county, municipality, or political subdivision
46 may establish an administrative, nonjudicial complaint process
47 by which an unpaid wage claim may be filed by, or on behalf of,

Amendment No. 1s

48 an aggrieved employee in order to assist in the collection of
49 wages owed to the employee. Any such process shall afford the
50 parties involved an opportunity to negotiate a resolution to the
51 wages in question.

52 (b) A county, municipality, or political subdivision may
53 not adopt or maintain in effect any law, ordinance, or rule that
54 creates requirements or regulations for the purpose of
55 addressing unpaid wage claims other than to establish the
56 administrative process provided for in this section.

57 (c) Any other regulation, ordinance, or provision for the
58 recovery of unpaid wages by a county, municipality, or political
59 subdivision is expressly prohibited and is preempted to the
60 state.

61 (9) This section does not apply to an employer whose
62 annual gross volume of sales is more than \$500,000, exclusive of
63 sales tax collected or excise taxes paid.

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

65
66
67 -----
68 **T I T L E A M E N D M E N T**

69 Remove the entire title and insert:

70 A bill to be entitled

71 An act relating to wage protection for employees;
72 creating a civil cause of action for the collection of
73 unpaid wages; defining terms; requiring an employer to
74 pay the wages due to an employee for the work that the
75 employee performed within a reasonable time after the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 609 (2012)

Amendment No. 1s

76 date on which the employee performed the work;
77 requiring a claimant, as a condition precedent to
78 bringing a claim for unpaid wages, to notify in
79 writing the employer of the employee's intention to
80 initiate a claim; providing for the content of the
81 notice; allotting the employer a specific time to pay
82 the total amount of unpaid wages or otherwise resolve
83 the claim to the satisfaction of the claimant;
84 providing for the venue of such claims; prohibiting
85 the maintenance of a class action; providing for
86 damages to include court costs and interest;
87 authorizing a county, municipality, or political
88 subdivision to establish an administrative,
89 nonjudicial process by which a claim may be filed by,
90 or on behalf of, an aggrieved employee; prohibiting a
91 county, municipality, or political subdivision from
92 adopting or maintaining in effect a law, ordinance, or
93 rule for the purpose of addressing unpaid wage claims
94 other than to establish an administrative process as
95 provided in the act; providing that any regulation,
96 ordinance, or other provision for recovery of unpaid
97 wages by counties, municipalities, or political
98 subdivisions is prohibited and preempted to the state;
99 providing a limitation of applicability to certain
100 employers; providing an effective date.

Amendment No. 1sa

COMMITTEE/SUBCOMMITTEE ACTION

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

*unfavorable
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Soto offered the following:

3
4 **Amendment to Substitute Amendment (292357) by**
5 **Representative Goodson (with title amendment)**

6 Between lines 63 and 64 of the substitute amendment,
7 insert:

8 Section 2. The Legislature, with the consultation of
9 affected stakeholders, shall conduct an interim project to study
10 issues related to wage theft in the state and to determine an
11 approach for a statewide wage theft enforcement process.

12
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16 **T I T L E A M E N D M E N T**

17 Remove line 100 of the substitute amendment and insert:
18 employers; requiring the Legislature to conduct an interim
19 project to study issues related to wage theft in the state and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 609 (2012)

Amendment No. 1sa

20 to determine an approach for a statewide wage theft enforcement
21 process; providing an effective date

22

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 609 (2012)

Amendment No. 1sa2

COMMITTEE/SUBCOMMITTEE ACTION

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

*unfavorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Steinberg offered the following:

3
4 **Amendment to Substitute Amendment (292357) by**
5 **Representative Goodson**

6 Between lines 63 and 64 of the substitute amendment,
7 insert:

8 (10) Any local ordinance adopted and implemented before
9 this act takes effect shall remain in place until the local
10 government amends or repeals it.

11

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

*Not considered -
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Soto offered the following:

3

4 **Amendment (with title amendment)**

5 Between lines 22 and 23, insert:

6 Section 2. The Legislature, with the consultation of
7 affected stakeholders, shall conduct an interim project to study
8 issues related to wage theft in the state and to determine an
9 approach for a statewide wage theft enforcement process.

10

11

12

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

13

Remove line 8 and insert:

14

the state; defining the term "wage theft"; requiring the

15

Legislature to conduct an interim project to study issues

16

related to wage theft in the state and to determine an approach

17

for a statewide wage theft enforcement process; providing



Florida Catholic Conference

The nonpartisan public policy voice of the Catholic Bishops of Florida

201 West Park Avenue, Tallahassee, Florida 32301-7715 * (850) 205-6820 * www.flacathconf.org

WAGE THEFT: A MORAL CRISIS IN OUR COMMUNITIES

One Monday in 2011, four men, standing at a corner in West Palm Beach, were picked up for work by a subcontractor. He promised them \$300 each if they worked for a week. He drove them each day to the worksite in Tequesta, about 45 minutes away. They worked 8 hours each day, and at the end of the day the subcontractor dropped them off. On Friday, he picked them up as usual. When it turned evening and paycheck time, he went to get them drinks. He never returned. Not only did he not pay them, but he left them stranded in Tequesta, with no idea where they were or how to get home.

Every day, workers in communities across Florida are under paid, or not paid at all, for their labor in industries where there are equal opportunities for injustice. By any standard, wage theft is immoral, bad for the economy, unfair to ethical employers, and devastating to workers who are struggling to make ends meet.

Going to court to recover wages owed can be time consuming, take too long to receive the money needed to pay for immediate needs such as food and housing and also would require taking time off work, assuming they have another job. There is also the expense of court filing fees and the fear of going to court for the average worker.

SB 862 and HB 609, bills titled “wage protection for employees”, would take away the ability of local government to address this issue with no specific solution offered at the state level. This would allow the ongoing denial of basic human rights – the ability to receive the just fruits for one’s labor – by unscrupulous employers who place profit over principles. While there have been attempts to come to agreement on amendments to the bill language, these have been centered on legal solutions that would burden an already underfunded court system and disadvantage claimants who have no money for court filing fees or legal counsel.

This is an enormous problem that needs a workable solution. Because of the diversity and economic differences among the 67 counties, a better first step may be to study what has worked and craft a solution that includes an expeditious, user-friendly, cost-free process that does not simply push these victims into an overloaded court system that would further delay payment of their earned wages. Going to court may be an option but not necessarily the first step. In Miami Dade County, an administrative model has existed since February 2010 which has enabled recovery of wages through conciliation as a first step and if unsuccessful, an administrative hearing which, between the two processes, has resulted in recovery of over \$500,000 in back wages.

While different options are being explored, one thing is clear. “The economy” as Pope Benedict XVI says “needs ethics to function correctly; not any ethics whatsoever, but an ethics that is people centered.”

Archbishop Thomas G. Wenski of Miami
President, Florida Catholic Conference

KATHLEEN MURPHY

1520 Northeast 105th Street
Miami Shores, Florida 33138

Senate Judiciary Committee
The Florida Senate
404 South Monroe Street
Tallahassee, FL 32399-1100

Regarding: SB 862

Dear Honorable Members of the Senate Judiciary Committee,

I am writing to you today to detail how the Wage Theft Ordinance in Miami-Dade County has benefited me and to ask that SB 862 not be allowed to pass.

On August 10, 2010 I resigned from my position as Executive Director at a nonprofit in Miami-Dade County because they had consistently refused to pay my wages as well as reimburse me for a substantial amount of unreimbursed expenses. After no response to my many requests for payment from my ex-employer, I met with four separate lawyers who told me to not bother to sue my ex-employers as I would be wasting my time. When I saw the mention of the Wage Theft Ordinance in the Miami Herald, I immediately contacted the appropriate office at Miami-Dade County. They were extremely helpful in walking me through the complaint process and as of January of this year the wages that were owed me have been paid, although not the unreimbursed expenses.

Although I am still owed a large amount of money by my ex-employer, having received my past wages was very helpful and has allowed me to pay some of the debt incurred while working for them.

Some employers feel that they can get away with not paying their employees, something easy to do before the Wage Theft Ordinance. I feel that it would be a great disservice to do away with the ability of local government to help workers that are treated in this way and who have no other recourse.

I once again ask that you stop BS 862 and preserve the right of Miami-Dade County to help other workers when they are robbed of their wages by their employers.

Thank you for your time.

Sincerely,



Kathleen Murphy

February 12, 2012

Ron Lay, President
Lobbying Team
ASSOCIATED BUILDERS AND CONTRACTORS OF FLORIDA, INC.
2008 N. Himes
Tampa, FL 33607

RE HB 609 / SB 862 Wage Theft Preemption Bill

Dear Mr. Lay and Associates,

We are writing to ask that you extend your advocacy on behalf of the construction industry to include the workers upon whom the industry is built. Respectfully, Associated Builders and Contractors refers to itself as "*The Voice of Commercial Construction*", yet the voices of the workers are not heard. While we build luxury condominiums, lay the marble in financial districts, and serve as the backbone for the companies for whom we work, Associated Builders and Contractors seeks to undermine our ability to be paid for our labors.

As you and all within the construction industry know, wage theft is rampant in our industry and has been for decades. A recent report by the Research Industry for Social and Economic Policy analyzed wage theft in Florida based on available data and found construction to be one of the worst industries for incidents of wage theft. But none of us needed a report to tell us how much wage theft occurs in the construction industry; each of the undersigned has experienced at least one incident of wage theft during the past two months and we are simply one small group of workers compared to the many who are experiencing wage theft throughout the state.

We recognize that there are many ethical contractors within the industry and know that wage theft undermines them as well as it does us. Smaller contractors are particularly at risk when they are underbid by unscrupulous employers who intend to use wage theft as part of their business model. They are additionally at risk when they file low bids in order to compete against these bad actors and find themselves unable to meet their financial obligations. Further, both developers and general contractors are undermined when a sub-contractor does not or is unable to pay its workers. The widespread wage theft within our industry affects us all.

We ask that you withdraw your support for HB 609 and SB 862 (Wage Theft Protection for Employees). The misnamed bills do not protect workers but instead undermine efforts by local

governments to address the rampant wage theft that harms us all. We ask that you say no to wage theft and work with us to improve the construction industry.

We ask that you stand with us to build a better Florida.

Sincerely,

Juan D THOMAS

Or Cristian REVE

Sosa M. Alvarez.

~~José Luis~~

Mario Savala

German Vasquez

Delino Martinez

Ezequiel Percastegui

Alexandro Santiago

Agustín González

Dario J. Calderón

Carlos Hernandez

Ildebrando Alvarez 69

Wifredo Lazon

Wilder A. Otero

Edy R. Aplicano

Carlos Guerrero

Herlin Garcia

m-zamorra

Angel E Silva

Osvaldo B. Lopez

Maria Moreno

Hector Santos

Juan P Torres

José Luis Hernandez

governments to address the rampant wage theft that harms us all. We ask that you say no to wage theft and work with us to improve the construction industry.

We ask that you stand with us to build a better Florida.

Sincerely,

Marelo Bonilla

Pedra Melan

William Acosta

José Fuentes

Yovany Lopez

[Signature]

Juan Lopez

[Signature] Beyes

Waldo Ochoa

Carlos Rodriguez

[Signature] Perez

Yosay Espinoza

Samir Espinoza

Juan Moreno

Ramon Morillo

[Signature]

Teribio Tecum

BIDRO Perez

Milton Monteroz

Leonel Calderain

Dilver A Diaz

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 777 : Securities Law Violations

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz			X		
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

HB 777

Pewitt, Jacob (Lobbyist) (State Employee) - Waive In Support

Special Assistant, Office of Financial Regulation

200 E. Gaines St. Suite 118

Tallahassee FL 32399

Phone: (850) 410-9665

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 885 : Transactions by Secondhand Dealers and Secondary Metals Recyclers

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

Appearances:

CS/HB 885

Messersmith, Frank (Lobbyist) - Waive In Support

Florida Sheriffs Association

2901 Bradford

Tallahassee FL 32310

Phone: (850) 576-5858

CS/HB 885

Punyko, Carl (Lobbyist) - Waive In Support

Government Affairs Manager, Gulf Power Company

Pensacola FL 32520

Phone: (850)712-0692

CS/HB 885

Holley, John (Lobbyist) - Waive In Support

Florida Power & Light

CS/HB 885

Simmons, Donna (Lobbyist) - Waive In Support

Director State Government Affairs, TECO Energy

106 E College Ave

Tallahassee FL 32301

Phone: (850) 681-6785

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 885 : Transactions by Secondhand Dealers and Secondary Metals Recyclers (continued)

Appearances: (continued)

CS/HB 885

Mateo, Paula (Lobbyist) - Waive In Support
Area Manager, AT&T
150 S Monroe St
Tallahassee FL 32301
Phone: (850) 541-6002

CS/HB 885

Hartley, Ron (General Public) - Waive In Support
Major, Hillsborough County Sheriffs Office
2008 8th Avenue
Tampa FL 33701
Phone: (813) 363-0375

CS/HB 885

Magill, James (Lobbyist) - Waive In Support
Florida Recyclers Association
101 N Monroe
Tallahassee FL 32001
Phone: (850) 681-0411

CS/HB 885

Jeffries, Mark (Lobbyist) - Waive In Support
Public Affairs Director, Orange County
201 S Rosalind Ave
Orlando FL 32801
Phone: (407) 836-5909

CS/HB 885

Gabbard, Jim (Lobbyist) - Waive In Support
The Florida Police Chiefs Association
924 N Gadsen St
Tallahassee FL 32317
Phone: (850) 219-3640

CS/HB 885

Shiver, Stephen (Lobbyist) - Waive In Support
City of Ocala
215 S Monroe St Suite 602
Tallahassee FL 34471
Phone: (850) 222-8900

CS/HB 885

Russell, Kathleen (Lobbyist) - Waive In Support
Director of Government Relations, City of Orlando
400 S Orange Ave
Orlando FL 32801
Phone: (407) 383-2075

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 885 : Transactions by Secondhand Dealers and Secondary Metals Recyclers (continued)

Appearances: (continued)

CS/HB 885

Watson, Richard (Lobbyist) - Waive In Support

Legislative Counsel, Associated Builders & Contractors of Florida

P O Box 10038

Tallahassee FL 32302

Phone: (850) 222-0000

CS/HB 885

McCarty, Jess (Lobbyist) - Waive In Support

Assistant County Attorney, Miami-Dade County

111 NW 1st St Ste 2810

Miami FL 33128

Phone: (305) 979-7110

CS/HB 885

Cory, Keyna (Lobbyist) - Waive In Support

Associated Industries of Florida

110 E College Ave

Tallahassee FL 32301

Phone: (850) 681-1065

CS/HB 885

Pitts, Brian (General Public) - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 921 : Landlords and Tenants

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz				X	
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell			X		
Shawn Harrison			X		
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 9		Total Nays: 6			

CS/HB 921 Amendments

Amendment 503191

Adopted Without Objection

Appearances:

CS/HB 921

Vickers, Alice (Lobbyist) - Opponent
Attorney, Florida Consumer Action Network
623 Beard St
Tallahassee FL 32303
Phone: (850) 556-3121

CS/HB 921

Rosenberg, Arthur (Lobbyist) - Opponent
Attorney, Florida Legal Services
3000 Biscayne Blvd #102
Miami FL 33137
Phone: (850) 509-2085

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 921 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Stargel offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (2) of section 83.42, Florida
7 Statutes, is amended to read:

8 83.42 Exclusions from application of part.—This part does
9 not apply to:

10 (2) Occupancy under a contract of sale of a dwelling unit
11 or the property of which it is a part in which at least one
12 month's rent has been paid and the buyer has paid a deposit of
13 at least 5 percent of the purchase price of the property, or in
14 which the buyer has paid at least 12 months' rent.

15 Section 2. Section 83.48, Florida Statutes, is amended to
16 read:

17 83.48 Attorney ~~Attorney's~~ fees.—In any civil action
18 brought to enforce the provisions of the rental agreement or
19 this part, the party in whose favor a judgment or decree has

503191 - h0921-strike.docx

Published On: 2/21/2012 7:02:30 PM

Amendment No. 1

20 been rendered may recover reasonable court costs, including, and
21 attorney attorney's fees, from the nonprevailing party. The
22 right to attorney fees in this section may not be waived in a
23 lease agreement. However, attorney fees may not be awarded under
24 this section in a claim for personal injury damages based on a
25 breach of duty under s. 83.51.

26 Section 3. Subsections (2), (3), and (7) of section 83.49,
27 Florida Statutes, are amended to read:

28 83.49 Deposit money or advance rent; duty of landlord and
29 tenant.—

30 (2) The landlord shall, in the lease agreement or within
31 30 days after ~~of~~ receipt of advance rent or a security deposit,
32 furnish written notice to notify the tenant which includes
33 disclosure of in writing of the manner in which the landlord is
34 holding the advance rent or security deposit and the rate of
35 interest, if any, which the tenant is to receive and the time of
36 interest payments to the tenant. Such written notice shall:

37 ~~(a) Be given in person or by mail to the tenant.~~

38 ~~(b) State the name and address of the depository where the~~
39 ~~advance rent or security deposit is being held, whether the~~
40 ~~advance rent or security deposit is being held in a separate~~
41 ~~account for the benefit of the tenant or is commingled with~~
42 ~~other funds of the landlord, and, if commingled, whether such~~
43 ~~funds are deposited in an interest bearing account in a Florida~~
44 ~~banking institution.~~

45 ~~(c) Include a copy of the provisions of subsection (3).~~

Amendment No. 1

47 Subsequent to providing such notice, if the landlord changes the
48 manner or location in which he or she is holding the advance
49 rent or security deposit, he or she shall notify the tenant
50 within 30 days after ~~of~~ the change according to the provisions
51 of paragraphs (a)-(d) herein set forth. The landlord is not
52 required to give a new notice or an additional notice solely
53 because the depository has merged with another financial
54 institution, changed its name, or transferred ownership to a
55 different financial institution. This subsection does not apply
56 to any landlord who rents fewer than five individual dwelling
57 units. Failure to provide this notice is shall not be a defense
58 to the payment of rent when due. Such written notice must:

59 (a) Be given in person or by mail to the tenant;

60 (b) State the name and address of the depository where the
61 advance rent or security deposit is being held, or state that
62 the landlord has posted a surety bond as provided by law;

63 (c) State whether the tenant is entitled to interest on
64 the deposit; and

65 (d) Include the following disclosure:

66
67 YOUR LEASE REQUIRES PAYMENT OF CERTAIN DEPOSITS. THE
68 LANDLORD MAY TRANSFER ADVANCE RENTS TO THE LANDLORD'S
69 ACCOUNT AS THEY ARE DUE AND WITHOUT NOTICE. WHEN YOU
70 MOVE OUT, YOU MUST GIVE THE LANDLORD YOUR NEW ADDRESS
71 SO THAT THE LANDLORD CAN SEND YOU NOTICES REGARDING
72 YOUR DEPOSIT. THE LANDLORD MUST MAIL YOU NOTICE,
73 WITHIN 30 DAYS AFTER YOU MOVE OUT, OF THE LANDLORD'S
74 INTENT TO IMPOSE A CLAIM AGAINST THE DEPOSIT. IF YOU

Amendment No. 1

75 DO NOT REPLY TO THE LANDLORD STATING YOUR OBJECTION TO
76 THE CLAIM WITHIN 15 DAYS AFTER RECEIPT OF THE
77 LANDLORD'S NOTICE, THE LANDLORD WILL COLLECT THE CLAIM
78 AND MUST MAIL YOU THE REMAINING DEPOSIT, IF ANY. IF
79 YOU TIMELY OBJECT, THE LANDLORD MUST HOLD THE DEPOSIT
80 AND EITHER YOU OR THE LANDLORD WILL HAVE TO FILE A
81 LAWSUIT SO THAT THE COURT CAN RESOLVE THE DISPUTE.

82
83 IF THE LANDLORD FAILS TO TIMELY MAIL YOU NOTICE, THE
84 LANDLORD MUST RETURN THE DEPOSIT BUT MAY LATER FILE A
85 LAWSUIT AGAINST YOU FOR DAMAGES. IF YOU FAIL TO TIMELY
86 OBJECT TO A CLAIM, THE LANDLORD MAY COLLECT FROM THE
87 DEPOSIT BUT YOU MAY LATER FILE A LAWSUIT CLAIMING A
88 REFUND.

89
90 YOU SHOULD ATTEMPT TO INFORMALLY RESOLVE ANY DISPUTE
91 BEFORE FILING A LAWSUIT. GENERALLY, THE PARTY IN WHOSE
92 FAVOR A JUDGMENT HAS BEEN RENDERED WILL BE AWARDED
93 COSTS AND ATTORNEY FEES PAYABLE BY THE LOSING PARTY.

94
95 THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF
96 CHAPTER 83, FLORIDA STATUTES, TO DETERMINE YOUR LEGAL
97 RIGHTS AND OBLIGATIONS.

98
99 (3) The landlord or the landlord's agent may disburse
100 advance rents from the deposit account to the landlord's benefit
101 when the advance rental period commences and without notice to
102 the tenant. For all other deposits:

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103 (a) Upon the vacating of the premises for termination of
104 the lease, if the landlord does not intend to impose a claim on
105 the security deposit, the landlord shall have 15 days to return
106 the security deposit together with interest if otherwise
107 required, or the landlord shall have 30 days to give the tenant
108 written notice by certified mail to the tenant's last known
109 mailing address of his or her intention to impose a claim on the
110 deposit and the reason for imposing the claim. The notice shall
111 contain a statement in substantially the following form:
112

113 This is a notice of my intention to impose a claim for
114 damages in the amount of upon your security deposit, due to
115 It is sent to you as required by s. 83.49(3), Florida
116 Statutes. You are hereby notified that you must object in
117 writing to this deduction from your security deposit within 15
118 days from the time you receive this notice or I will be
119 authorized to deduct my claim from your security deposit. Your
120 objection must be sent to ...(landlord's address)....
121

122 If the landlord fails to give the required notice within the 30-
123 day period, he or she forfeits the right to impose a claim upon
124 the security deposit and may not seek a setoff against the
125 deposit but may file an action for damages after return of the
126 deposit.

127 (b) Unless the tenant objects to the imposition of the
128 landlord's claim or the amount thereof within 15 days after
129 receipt of the landlord's notice of intention to impose a claim,
130 the landlord may then deduct the amount of his or her claim and

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131 shall remit the balance of the deposit to the tenant within 30
132 days after the date of the notice of intention to impose a claim
133 for damages. The failure of the tenant to make a timely
134 objection does not waive any rights of the tenant to seek
135 damages in a separate action.

136 (c) If either party institutes an action in a court of
137 competent jurisdiction to adjudicate the party's right to the
138 security deposit, the prevailing party is entitled to receive
139 his or her court costs plus a reasonable fee for his or her
140 attorney. The court shall advance the cause on the calendar.

141 (d) Compliance with this section by an individual or
142 business entity authorized to conduct business in this state,
143 including Florida-licensed real estate brokers and sales
144 associates, constitutes ~~shall constitute~~ compliance with all
145 other relevant Florida Statutes pertaining to security deposits
146 held pursuant to a rental agreement or other landlord-tenant
147 relationship. Enforcement personnel shall look solely to this
148 section to determine compliance. This section prevails over any
149 conflicting provisions in chapter 475 and in other sections of
150 the Florida Statutes, and shall operate to permit licensed real
151 estate brokers to disburse security deposits and deposit money
152 without having to comply with the notice and settlement
153 procedures contained in s. 475.25(1)(d).

154 (7) Upon the sale or transfer of title of the rental
155 property from one owner to another, or upon a change in the
156 designated rental agent, any and all security deposits or
157 advance rents being held for the benefit of the tenants shall be
158 transferred to the new owner or agent, together with any earned

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159 interest and with an accurate accounting showing the amounts to
160 be credited to each tenant account. Upon the transfer of such
161 funds and records to the new owner or agent as stated herein,
162 and upon transmittal of a written receipt therefor, the
163 transferor ~~is shall be~~ free from the obligation imposed in
164 subsection (1) to hold such moneys on behalf of the tenant.
165 There is a rebuttable presumption that any new owner or agent
166 received the security deposits from the previous owner or agent;
167 however, the limit of this presumption is one month's rent. This
168 subsection does not ~~However, nothing herein shall~~ excuse the
169 landlord or agent for a violation of other ~~the~~ provisions of
170 this section while in possession of such deposits.

171 Section 4. The Legislature recognizes that landlords may
172 have stocks of preprinted lease forms that contain disclosures
173 compliant with current law. Accordingly, changes to the
174 disclosure required of a landlord and made by amendments to s.
175 83.49, Florida Statutes, in this act, are conditional for leases
176 entered into between July 1, 2012, and December 31, 2012. During
177 that period, the landlord may elect to give notice required by
178 former s. 83.49, Florida Statutes, or the disclosure required
179 under this act. The disclosure required by this act is required
180 for all leases entered into on or after January 1, 2013.

181 Section 5. Section 83.50, Florida Statutes, is amended to
182 read:

183 83.50 Disclosure of landlord's address.-

184 ~~(1)~~ In addition to other disclosures required by law, the
185 landlord, or a person authorized to enter into a rental
186 agreement on the landlord's behalf, shall disclose in writing to

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Bill No. CS/HB 921 (2012)

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187 the tenant, at or before the commencement of the tenancy, the
188 name and address of the landlord or a person authorized to
189 receive notices and demands in the landlord's behalf. The person
190 so authorized to receive notices and demands retains authority
191 until the tenant is notified otherwise. All notices of such
192 names and addresses or changes thereto shall be delivered to the
193 tenant's residence or, if specified in writing by the tenant, to
194 any other address.

195 ~~(2) The landlord or the landlord's authorized~~
196 ~~representative, upon completion of construction of a building~~
197 ~~exceeding three stories in height and containing dwelling units,~~
198 ~~shall disclose to the tenants initially moving into the building~~
199 ~~the availability or lack of availability of fire protection.~~

200 Section 6. Subsection (1) and paragraph (a) of subsection
201 (2) of section 83.51, Florida Statutes, are amended to read:

202 83.51 Landlord's obligation to maintain premises.—

203 (1) The landlord at all times during the tenancy shall:

204 (a) Comply with the requirements of applicable building,
205 housing, and health codes; or

206 (b) Where there are no applicable building, housing, or
207 health codes, maintain the roofs, windows, ~~screens,~~ doors,
208 floors, steps, porches, exterior walls, foundations, and all
209 other structural components in good repair and capable of
210 resisting normal forces and loads and the plumbing in reasonable
211 working condition. ~~However,~~ The landlord is ~~shall~~ not be
212 required to maintain a mobile home or other structure owned by
213 the tenant.

214

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215 The landlord's obligations under this subsection may be altered
216 or modified in writing with respect to a single-family home or
217 duplex.

218 (2)(a) Unless otherwise agreed in writing, in addition to
219 the requirements of subsection (1), the landlord of a dwelling
220 unit other than a single-family home or duplex shall, at all
221 times during the tenancy, make reasonable provisions for:

222 1. The extermination of rats, mice, roaches, ants, wood-
223 destroying organisms, and bedbugs. When vacation of the premises
224 is required for such extermination, the landlord ~~is shall~~ not be
225 liable for damages but shall abate the rent. The tenant must
226 ~~shall be required to~~ temporarily vacate the premises for a
227 period of time not to exceed 4 days, on 7 days' written notice,
228 if necessary, for extermination pursuant to this subparagraph.

229 2. Locks and keys.

230 3. The clean and safe condition of common areas.

231 4. Garbage removal and outside receptacles therefor.

232 5. Functioning facilities for heat during winter, running
233 water, and hot water.

234 Section 7. Subsections (2) through (5) of section 83.56,
235 Florida Statutes, are amended to read:

236 83.56 Termination of rental agreement.—

237 (2) If the tenant materially fails to comply with s. 83.52
238 or material provisions of the rental agreement, other than a
239 failure to pay rent, or reasonable rules or regulations, the
240 landlord may:

241 (a) If such noncompliance is of a nature that the tenant
242 should not be given an opportunity to cure it or if the

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243 noncompliance constitutes a subsequent or continuing
244 noncompliance within 12 months of a written warning by the
245 landlord of a similar violation, deliver a written notice to the
246 tenant specifying the noncompliance and the landlord's intent to
247 terminate the rental agreement by reason thereof. Examples of
248 noncompliance which are of a nature that the tenant should not
249 be given an opportunity to cure include, but are not limited to,
250 destruction, damage, or misuse of the landlord's or other
251 tenants' property by intentional act or a subsequent or
252 continued unreasonable disturbance. In such event, the landlord
253 may terminate the rental agreement, and the tenant shall have 7
254 days from the date that the notice is delivered to vacate the
255 premises. The notice shall be ~~adequate if it is~~ in substantially
256 the following form:

257

258 You are advised that your lease is terminated effective
259 immediately. You shall have 7 days from the delivery of this
260 letter to vacate the premises. This action is taken because
261 ... (cite the noncompliance)

262

263 (b) If such noncompliance is of a nature that the tenant
264 should be given an opportunity to cure it, deliver a written
265 notice to the tenant specifying the noncompliance, including a
266 notice that, if the noncompliance is not corrected within 7 days
267 from the date the written notice is delivered, the landlord
268 shall terminate the rental agreement by reason thereof. Examples
269 of such noncompliance include, but are not limited to,
270 activities in contravention of the lease or this part ~~act~~ such

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271 as having or permitting unauthorized pets, guests, or vehicles;
272 parking in an unauthorized manner or permitting such parking; or
273 failing to keep the premises clean and sanitary. If there is a
274 noncompliance within 12 months after notice, an eviction action
275 may commence without the necessity of delivering a subsequent
276 notice pursuant to paragraph (a) or this paragraph. The notice
277 shall be ~~adequate if it is~~ in substantially the following form:
278

279 You are hereby notified that ...(cite the
280 noncompliance).... Demand is hereby made that you remedy the
281 noncompliance within 7 days of receipt of this notice or your
282 lease shall be deemed terminated and you shall vacate the
283 premises upon such termination. If this same conduct or conduct
284 of a similar nature is repeated within 12 months, your tenancy
285 is subject to termination without further warning and without
286 your being given an opportunity to cure the noncompliance.
287

288 (3) If the tenant fails to pay rent when due and the
289 default continues for 3 days, excluding Saturday, Sunday, and
290 legal holidays, after delivery of written demand by the landlord
291 for payment of the rent or possession of the premises, the
292 landlord may terminate the rental agreement. Legal holidays for
293 the purpose of this section shall be court-observed holidays
294 only. The total amount claimed may include all moneys owed to
295 the landlord through the date of the notice, including, but not
296 limited to, late fees. The 3-day notice shall contain a
297 statement in substantially the following form:
298

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299 You are hereby notified that you are indebted to me in the
300 sum of dollars for the rent and use of the premises
301 ...(address of leased premises, including county)..., Florida,
302 now occupied by you and that I demand payment of the rent or
303 possession of the premises within 3 days (excluding Saturday,
304 Sunday, and legal holidays) from the date of delivery of this
305 notice, to wit: on or before the day of, ...(year)....
306 ...(landlord's name, address and phone number)...

307

308 (4) The delivery of the written notices required by
309 subsections (1), (2), and (3) shall be by mailing or delivery of
310 a true copy thereof or, if the tenant is absent from the
311 premises, by leaving a copy thereof at the residence. The notice
312 requirements of subsections (1), (2), and (3) may not be waived
313 in the lease.

314 (5) (a) If the landlord accepts rent with actual knowledge
315 of a noncompliance by the tenant or accepts performance by the
316 tenant of any other provision of the rental agreement that is at
317 variance with its provisions, or if the tenant pays rent with
318 actual knowledge of a noncompliance by the landlord or accepts
319 performance by the landlord of any other provision of the rental
320 agreement that is at variance with its provisions, the landlord
321 or tenant waives his or her right to terminate the rental
322 agreement or to bring a civil action for that noncompliance, but
323 not for any subsequent or continuing noncompliance. However, a
324 landlord does not waive the right to terminate the rental
325 agreement or to bring a civil action for that noncompliance by
326 accepting partial rent for the period.

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327 (b) Any tenant who wishes to defend against an action by
328 the landlord for possession of the unit for noncompliance of the
329 rental agreement or of relevant statutes must ~~shall~~ comply with
330 ~~the provisions in s. 83.60(2)~~. The court may not set a date for
331 mediation or trial unless the provisions of s. 83.60(2) have
332 been met, but must ~~shall~~ enter a default judgment for removal of
333 the tenant with a writ of possession to issue immediately if the
334 tenant fails to comply with s. 83.60(2).

335 (c) This subsection does not apply to that portion of rent
336 subsidies received from a local, state, or national government
337 or an agency of local, state, or national government; however,
338 waiver will occur if an action has not been instituted within 45
339 days after the landlord obtains actual knowledge of the
340 noncompliance.

341 Section 8. Subsection (1) of section 83.575, Florida
342 Statutes, is amended to read:

343 83.575 Termination of tenancy with specific duration.—

344 (1) A rental agreement with a specific duration may
345 contain a provision requiring the tenant to notify the landlord
346 before vacating the premises at the end of the rental agreement
347 if the provision also requires that the landlord notify the
348 tenant, using the same notice period, if the rental agreement
349 will not be renewed; however, a rental agreement may not require
350 more than 60 days' notice from either the tenant or the landlord
351 ~~before vacating the premises~~.

352 Section 9. Section 83.58, Florida Statutes, is amended to
353 read:

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354 83.58 Remedies; tenant holding over.—If the tenant holds
355 over and continues in possession of the dwelling unit or any
356 part thereof after the expiration of the rental agreement
357 without the permission of the landlord, the landlord may recover
358 possession of the dwelling unit in the manner provided for in s.
359 83.59 [~~F.S. 1973~~]. The landlord may also recover double the
360 amount of rent due on the dwelling unit, or any part thereof,
361 for the period during which the tenant refuses to surrender
362 possession.

363 Section 10. Subsection (2) of section 83.59, Florida
364 Statutes, is amended to read:

365 83.59 Right of action for possession.—

366 (2) A landlord, the landlord's attorney, or the landlord's
367 agent, applying for the removal of a tenant, shall file in the
368 county court of the county where the premises are situated a
369 complaint describing the dwelling unit and stating the facts
370 that authorize its recovery. A landlord's agent is not permitted
371 to take any action other than the initial filing of the
372 complaint, unless the landlord's agent is an attorney. The
373 landlord is entitled to the summary procedure provided in s.
374 51.011 [~~F.S. 1971~~], and the court shall advance the cause on the
375 calendar.

376 Section 11. Section 83.60, Florida Statutes, is amended to
377 read:

378 83.60 Defenses to action for rent or possession;
379 procedure.—

380 (1) (a) In an action by the landlord for possession of a
381 dwelling unit based upon nonpayment of rent or in an action by

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382 the landlord under s. 83.55 seeking to recover unpaid rent, the
383 tenant may defend upon the ground of a material noncompliance
384 with s. 83.51(1) ~~{F.S. 1973}~~, or may raise any other defense,
385 whether legal or equitable, that he or she may have, including
386 the defense of retaliatory conduct in accordance with s. 83.64.
387 The landlord must be given an opportunity to cure a deficiency
388 in a notice or in the pleadings prior to dismissal of the
389 action.

390 (b) The defense of a material noncompliance with s.
391 83.51(1) ~~{F.S. 1973}~~ may be raised by the tenant if 7 days have
392 elapsed after the delivery of written notice by the tenant to
393 the landlord, specifying the noncompliance and indicating the
394 intention of the tenant not to pay rent by reason thereof. Such
395 notice by the tenant may be given to the landlord, the
396 landlord's representative as designated pursuant to s. 83.50(1),
397 a resident manager, or the person or entity who collects the
398 rent on behalf of the landlord. A material noncompliance with s.
399 83.51(1) ~~{F.S. 1973}~~ by the landlord is a complete defense to an
400 action for possession based upon nonpayment of rent, and, upon
401 hearing, the court or the jury, as the case may be, shall
402 determine the amount, if any, by which the rent is to be reduced
403 to reflect the diminution in value of the dwelling unit during
404 the period of noncompliance with s. 83.51(1) ~~{F.S. 1973}~~. After
405 consideration of all other relevant issues, the court shall
406 enter appropriate judgment.

407 (2) In an action by the landlord for possession of a
408 dwelling unit, if the tenant interposes any defense other than
409 payment, including, but not limited to, the defense of a

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410 defective 3-day notice, the tenant shall pay into the registry
411 of the court the accrued rent as alleged in the complaint or as
412 determined by the court and the rent that ~~which~~ accrues during
413 the pendency of the proceeding, when due. The clerk shall notify
414 the tenant of such requirement in the summons. Failure of the
415 tenant to pay the rent into the registry of the court or to file
416 a motion to determine the amount of rent to be paid into the
417 registry within 5 days, excluding Saturdays, Sundays, and legal
418 holidays, after the date of service of process constitutes an
419 absolute waiver of the tenant's defenses other than payment, and
420 the landlord is entitled to an immediate default judgment for
421 removal of the tenant with a writ of possession to issue without
422 further notice or hearing thereon. If ~~In the event~~ a motion to
423 determine rent is filed, documentation in support of the
424 allegation that the rent as alleged in the complaint is in error
425 is required. Public housing tenants or tenants receiving rent
426 subsidies are ~~shall be~~ required to deposit only that portion of
427 the full rent for which they are ~~the tenant is~~ responsible
428 pursuant to the federal, state, or local program in which they
429 are participating.

430 Section 12. Subsection (1) of section 83.62, Florida
431 Statutes, is amended to read:

432 83.62 Restoration of possession to landlord.-

433 (1) In an action for possession, after entry of judgment
434 in favor of the landlord, the clerk shall issue a writ to the
435 sheriff describing the premises and commanding the sheriff to
436 put the landlord in possession after 24 hours' notice

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437 conspicuously posted on the premises. Weekends and legal
438 holidays do not stay the 24-hour notice period.

439 Section 13. Section 83.63, Florida Statutes, is amended to
440 read:

441 83.63 Casualty damage.—If the premises are damaged or
442 destroyed other than by the wrongful or negligent acts of the
443 tenant so that the enjoyment of the premises is substantially
444 impaired, the tenant may terminate the rental agreement and
445 immediately vacate the premises. The tenant may vacate the part
446 of the premises rendered unusable by the casualty, in which case
447 the tenant's liability for rent shall be reduced by the fair
448 rental value of that part of the premises damaged or destroyed.
449 If the rental agreement is terminated, the landlord shall comply
450 with s. 83.49(3) ~~{F.S. 1973}~~.

451 Section 14. Subsection (1) of section 83.64, Florida
452 Statutes, is amended to read:

453 83.64 Retaliatory conduct.—

454 (1) It is unlawful for a landlord to discriminatorily
455 increase a tenant's rent or decrease services to a tenant, or to
456 bring or threaten to bring an action for possession or other
457 civil action, primarily because the landlord is retaliating
458 against the tenant. In order for the tenant to raise the defense
459 of retaliatory conduct, the tenant must have acted in good
460 faith. Examples of conduct for which the landlord may not
461 retaliate include, but are not limited to, situations where:

462 (a) The tenant has complained to a governmental agency
463 charged with responsibility for enforcement of a building,

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464 housing, or health code of a suspected violation applicable to
465 the premises;

466 (b) The tenant has organized, encouraged, or participated
467 in a tenants' organization;

468 (c) The tenant has complained to the landlord pursuant to
469 s. 83.56(1); ~~or~~

470 (d) The tenant is a servicemember who has terminated a
471 rental agreement pursuant to s. 83.682;

472 (e) The tenant has paid rents to a condominium,
473 cooperative, or homeowners' association after demand from the
474 association in order to pay the landlord's obligation to the
475 association; or

476 (f) The tenant has exercised his or her rights under
477 local, state, or federal fair housing laws.

478 Section 15. Subsection (1) of section 723.063, Florida
479 Statutes, is amended to read:

480 723.063 Defenses to action for rent or possession;
481 procedure.—

482 (1) (a) In any action based upon nonpayment of rent or
483 seeking to recover unpaid rent, or a portion thereof, the mobile
484 home owner may defend upon the ground of a material
485 noncompliance with any portion of this chapter or may raise any
486 other defense, whether legal or equitable, which he or she may
487 have. The mobile home park owner must be given an opportunity to
488 cure a deficiency in a notice or in the pleadings prior to
489 dismissal of the action.

490 (b) The defense of material noncompliance may be raised by
491 the mobile home owner only if 7 days have elapsed after he or

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492 she has notified the park owner in writing of his or her
493 intention not to pay rent, or a portion thereof, based upon the
494 park owner's noncompliance with portions of this chapter,
495 specifying in reasonable detail the provisions in default. A
496 material noncompliance with this chapter by the park owner is a
497 complete defense to an action for possession based upon
498 nonpayment of rent, or a portion thereof, and, upon hearing, the
499 court or the jury, as the case may be, shall determine the
500 amount, if any, by which the rent is to be reduced to reflect
501 the diminution in value of the lot during the period of
502 noncompliance with any portion of this chapter. After
503 consideration of all other relevant issues, the court shall
504 enter appropriate judgment.

505 Section 16. This act shall take effect July 1, 2012.

506
507
508 -----
509 **T I T L E A M E N D M E N T**

510 Remove the entire title and insert:

511 An act relating to landlords and tenants; amending s. 83.42,
512 F.S.; revising exclusions from application of part II of ch. 83,
513 F.S., relating to residential tenancies; amending s. 83.48,
514 F.S.; providing that the right to attorney fees may not be
515 waived in a lease agreement; providing that attorney fees may
516 not be awarded in a claim for personal injury damages based on a
517 breach of duty of premises maintenance; amending s. 83.49, F.S.;
518 revising and providing landlord disclosure requirements with
519 respect to deposit money and advance rent; providing

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520 requirements for the disbursement of advance rents; providing a
521 limited rebuttable presumption of receipt of security deposits;
522 providing for certain changes to disclosure requirements to be
523 phased in; amending s. 83.50, F.S.; removing certain landlord
524 disclosure requirements relating to fire protection; amending s.
525 83.51, F.S.; revising a landlord's obligation to maintain a
526 premises with respect to screens; amending s. 83.56, F.S.;
527 revising procedures for the termination of a rental agreement by
528 a landlord; revising notice and payment procedures; providing
529 that a landlord does not waive the right to terminate the rental
530 agreement or to bring a civil action for noncompliance by
531 accepting partial rent, subject to certain notice; providing
532 that the period to institute an action before an exemption
533 involving rent subsidies is waived begins upon actual knowledge;
534 amending s. 83.575, F.S.; revising requirements for the
535 termination of a tenancy having a specific duration to provide
536 for reciprocal notice provisions in rental agreements; amending
537 ss. 83.58 and 83.59, F.S.; conforming cross-references; amending
538 s. 83.60, F.S.; providing that a landlord must be given an
539 opportunity to cure a deficiency in any notice or pleadings
540 prior to dismissal of an eviction action; making technical
541 changes; amending s. 83.62, F.S.; revising procedures for the
542 restoration of possession to a landlord to provide that weekends
543 and holidays do not stay the applicable notice period; amending
544 s. 83.63, F.S.; conforming a cross-reference; amending s. 83.64,
545 F.S.; providing examples of conduct for which the landlord may
546 not retaliate; amending s. 723.063, F.S.; providing that a
547 mobile home park owner must be given an opportunity to cure a

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548 | deficiency in any notice or pleadings prior to dismissal of an
549 | eviction action; providing an effective date.

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 947 : Possession of a Firearm or Destructive Device During the Commission of an Offense

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell			X		
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/HB 947 Amendments

Amendment 905267

Adopted Without Objection

Appearances:

CS/HB 947

Messersmith, Frank (Lobbyist) - Waive In Support

Florida Sheriffs Association

2901 Bradford

Tallahassee FL 32310

Phone: (850) 576-5858

CS/HB 947

Summers, Shane (General Public) - Waive In Support

Captain, Florida Sheriffs Association

P.O Box 569

Deland FL 32724

Phone: (386) 736-5961

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

**CS/HB 947 : Possession of a Firearm or Destructive Device During the Commission of an Offense
(continued)**

Appearances: (continued)

CS/HB 947

Bradford, Gary (Lobbyist) - Waive In Support
Legislative Services, Florida Police Benevolent Association
300 E Brevard St
Tallahassee FL 32301
Phone: (800) 733-3722

CS/HB 947

Gabbard, Jim (Lobbyist) - Waive In Support
The Florida Police Chiefs Association
924 N Gadsen St
Tallahassee FL 32317
Phone: (850) 219-3640

CS/HB 947

Moreland, Earl (State Employee) - Waive In Support
Florida Prosecuting Attorney's Association
12th Judicial Circuit
FL
Phone: (850) 356-3786

CS/HB 947

Hartley, Ronald (General Public) - Waive In Support
Major, Hillsborough County Sheriffs Office
2008 8th Avenue
Tampa FL 33701
Phone: (813) 363-0375

CS/HB 947

Pitts, Brian (General Public) - Waive In Opposition
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 947 (2012)

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COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Boyd offered the following:

3
4 **Amendment**

5 Remove lines 53-61 and insert:
6 defined in s. 790.001, shall be sentenced to a minimum term of
7 imprisonment of 10 years, except that a person who is convicted
8 for aggravated assault, possession of a firearm by a felon, or
9 burglary of a conveyance shall be sentenced to a minimum term of
10 imprisonment of 3 years if such person possessed a "firearm" or
11 "destructive device" during the commission of the offense.
12 However, if an offender who is convicted of the offense of
13 possession of a firearm by a felon has a previous conviction of
14 committing or attempting to commit a felony listed in s.
15 775.084(1)(b)1. and actually possessed a firearm or destructive
16 device during the commission of the prior felony, the offender
17 shall be sentenced to a minimum term of imprisonment of 10
18 years.
19

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 1173 : Criminal Gang Prevention

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

CS/HB 1173 Amendments

Amendment 100863

Adopted Without Objection

Appearances:

CS/HB 1173

Pitts, Brian (General Public) - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1173 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
2.22.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Ingram offered the following:

Amendment (with title amendment)

5 Remove lines 109-116 and insert:

6 (11) GANG STATUS OF INMATES.—A county or municipal
7 detention facility may designate an individual to be responsible
8 for assessing whether each current inmate is a criminal gang
9 member or associate using the criteria in s. 874.03. The
10 individual should at least once biweekly transmit information on
11 inmates believed to be a criminal gang member or associate to
12 the arresting law enforcement agency.

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

16 Remove lines 13-16 and insert:

17 an individual to be responsible for assessing whether each
18 inmate is a criminal gang member or associate; providing duties
19 of such

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 1195 : Advanced Registered Nurse Practitioners

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

HB 1195 Amendments

Amendment 430969

Adopted Without Objection

Appearances:

HB 1195

Mixon, Corinne (Lobbyist) - Waive In Support
Florida Academy of Physician Assistants
222 S Westimonte Dr Ste 101
Altamonte Springs FL 32714
Phone: (850)222-2591

HB 1195

Whittaker, Stan (General Public) - Waive In Support
Fl Council of Advance Practice Nurses
6294 nw Torreya pk Rd.
Bristol Fl undefined
Phone: 850-545-8301

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 1195 : Advanced Registered Nurse Practitioners (continued)

Appearances: (continued)

HB 1195

Carvajal, Allison (Lobbyist) - Waive In Support

Florida Nurse Practitioner Network, Inc

PO Box 25422

Tampa FL 33622

Phone: (850)201-8899

HB 1195

Lynch, Susan (General Public) - Waive In Support

1388 Voltaire

Deltona FL 32725

Phone: 386-532-3488

HB 1195

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 1195

Kung, Yong Mai (State Employee) - Waive In Support

ARNPs

3712 Longchamp Cir

Tallahassee FL 32309

Phone: (850) 510-7500

HB 1195

Snow, Chris (Lobbyist) - Waive In Support

Florida Nursing Association

2568 Centerville Court

Tallahassee FL 32308

Phone: 850-556-0203

HB 1195

Cloud, Timra (General Public) - Waive In Support

Panhandle Nurse Practitioner Coalition

4432 Peanut Road

Cottdale FL 32431

Phone: 850-326-2278

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1195 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2-22-12*

Committee/Subcommittee hearing bill: Judiciary Committee
Representative Campbell offered the following:

Amendment (with title amendment)

Remove line 46 and insert:

3. A physician, physician assistant, clinical
psychologist, psychiatric nurse,

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

Remove lines 2-3 and insert:

An act relating to involuntary examinations under the
Baker Act; amending s. 394.463, F.S.; authorizing
physician assistants and

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 1209 : Application of Foreign Law in Certain Cases

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager			X		
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz		X			
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 1			

Appearances:

HB 1209

Porras, Carn (General Public) - Opponent
Chair Elect, Family Law Section Florida Bar
100 NE Third Ave #480
Fort Lauderdale FL 33301
Phone: (954) 527-2855

HB 1209

Bilbao, Ron (State Employee) - Opponent
American Civil Liberties Union of Florida
4500 Biscayne Blvd, Suite 340
Miami Florida 33137
Phone: (919) 923-7288

HB 1209

Hall, Kris Anne (General Public) - Proponent
Constitutional Ed & Consulting
8220 25th Dr
Wellborn FL 32094
Phone: (386) 466-4556

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 1323 : Metal Theft

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

Appearances:

CS/HB 1323

Goss, Suzanne (Lobbyist) - Waive In Support
Government Relations Specialist, JEA
21 W Church St
Jacksonville FL 32202
Phone: (904) 665-8331

CS/HB 1323

Holley, John (Lobbyist) - Waive In Support
Florida Power & Light

CS/HB 1323

Simmons, Donna (Lobbyist) - Waive In Support
Director State Government Affairs, TECO Energy
106 E College Ave
Tallahassee FL 32301
Phone: (850) 681-6785

CS/HB 1323

Bjorklund, Michael (Lobbyist) - Waive In Support
Director of Legislative Affairs, Florida Electric Cooperatives Association
2916 Apalachee Pky
Tallahassee FL 32301
Phone: (850) 877-6166

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

CS/HB 1323 : Metal Theft (continued)

Appearances: (continued)

CS/HB 1323

Gabbard, Jim (Lobbyist) - Waive In Support

The Florida Police Chiefs Association

924 N Gadsen St

Tallahassee FL 32303

Phone: (850) 219-3640

CS/HB 1323

Punyko, Carl (Lobbyist) - Waive In Support

Government Affairs Manager, Gulf Power Company

Pensacola FL 32520

Phone: (850) 712-0692

CS/HB 1323

McCarty, Jess (Lobbyist) - Waive In Support

Assistant County Attorney, Miami-Dade County

111 NW 1st Street Suite 2810

Miami Florida 33128

Phone: (305) 979-7110

CS/HB 1323

Cory, Keyna (Lobbyist) - Waive In Support

Associated Industries of Florida

110 E College Ave

Tallahassee FL 32301

Phone: (850) 681-1065

Committee meeting was reported out: Wednesday, February 22, 2012 4:12:40PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/22/2012 8:00:00AM

Location: 404 HOB

HB 7047 : Sex Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

HB 7047 Amendments

Amendment 702811

Adopted Without Objection

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
2-22-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Harrell offered the following:

4 **Amendment**

5 Remove lines 188-1333 and insert:

6 change in enrollment, volunteer, or employment status shall be
7 reported in person at the sheriff's office, or the Department of
8 Corrections if the sexual predator is in the custody or control
9 of or under the supervision of the Department of Corrections,
10 within 48 hours after any change in status. The sheriff or the
11 Department of Corrections shall promptly notify each institution
12 of the sexual predator's presence and any change in the sexual
13 predator's enrollment, volunteer, or employment status.

14 2. Any other information determined necessary by the
15 department, including criminal and corrections records;
16 nonprivileged personnel and treatment records; and evidentiary
17 genetic markers when available.

18 (b) If the sexual predator is in the custody or control
19 of, or under the supervision of, the Department of Corrections,

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20 or is in the custody of a private correctional facility, the
21 sexual predator must register with the Department of
22 Corrections. A sexual predator who is under the supervision of
23 the Department of Corrections but who is not incarcerated must
24 register with the Department of Corrections within 3 business
25 days after the court finds the offender to be a sexual predator.
26 The Department of Corrections shall provide to the department
27 registration information and the location of, and local
28 telephone number for, any Department of Corrections office that
29 is responsible for supervising the sexual predator. In addition,
30 the Department of Corrections shall notify the department if the
31 sexual predator escapes or absconds from custody or supervision
32 or if the sexual predator dies.

33 (c) If the sexual predator is in the custody of a local
34 jail, the custodian of the local jail shall register the sexual
35 predator within 3 business days after intake of the sexual
36 predator for any reason and upon release, and shall forward the
37 registration information to the department. The custodian of the
38 local jail shall also take a digitized photograph of the sexual
39 predator while the sexual predator remains in custody and shall
40 provide the digitized photograph to the department. The
41 custodian shall notify the department if the sexual predator
42 escapes from custody or dies.

43 (d) If the sexual predator is under federal supervision,
44 the federal agency responsible for supervising the sexual
45 predator may forward to the department any information regarding
46 the sexual predator which is consistent with the information
47 provided by the Department of Corrections under this section,

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48 and may indicate whether use of the information is restricted to
49 law enforcement purposes only or may be used by the department
50 for purposes of public notification.

51 (e)1. If the sexual predator is not in the custody or
52 control of, or under the supervision of, the Department of
53 Corrections or is not in the custody of a private correctional
54 facility, the sexual predator shall register in person:

55 a. At the sheriff's office in the county where he or she
56 establishes or maintains a residence within 48 hours after
57 establishing or maintaining a residence in this state; and

58 b. At the sheriff's office in the county where he or she
59 was designated a sexual predator by the court within 48 hours
60 after such finding is made.

61 2. Any change in the sexual predator's permanent or
62 temporary residence, name, ~~or any~~ electronic mail addresses,
63 ~~address and or Internet identifiers any instant message name~~
64 required to be provided pursuant to subparagraph (g)4., after
65 the sexual predator registers in person at the sheriff's office
66 as provided in subparagraph 1., shall be accomplished in the
67 manner provided in paragraphs (g), (i), and (j). When a sexual
68 predator registers with the sheriff's office, the sheriff shall
69 take a photograph, and a set of fingerprints, and palm prints of
70 the predator and forward the photographs, palm prints, and
71 fingerprints to the department, along with the information that
72 the predator is required to provide pursuant to this section.

73 (f) Within 48 hours after the registration required under
74 paragraph (a) or paragraph (e), a sexual predator who is not
75 incarcerated and who resides in the community, including a

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76 sexual predator under the supervision of the Department of
77 Corrections, shall register in person at a driver ~~driver's~~
78 license office of the Department of Highway Safety and Motor
79 Vehicles and shall present proof of registration. At the driver
80 ~~driver's~~ license office the sexual predator shall:

81 1. If otherwise qualified, secure a Florida driver
82 ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or
83 secure an identification card. The sexual predator shall
84 identify himself or herself as a sexual predator who is required
85 to comply with this section, provide his or her place of
86 permanent, temporary, or transient residence, including a rural
87 route address and a post office box, and submit to the taking of
88 a photograph for use in issuing a driver ~~driver's~~ license,
89 renewed license, or identification card, and for use by the
90 department in maintaining current records of sexual predators. A
91 post office box shall not be provided in lieu of a physical
92 residential address. If the sexual predator's place of residence
93 is a motor vehicle, trailer, mobile home, or manufactured home,
94 as defined in chapter 320, the sexual predator shall also
95 provide to the Department of Highway Safety and Motor Vehicles
96 the vehicle identification number; the license tag number; the
97 registration number; and a description, including color scheme,
98 of the motor vehicle, trailer, mobile home, or manufactured
99 home. If a sexual predator's place of residence is a vessel,
100 live-aboard vessel, or houseboat, as defined in chapter 327, the
101 sexual predator shall also provide to the Department of Highway
102 Safety and Motor Vehicles the hull identification number; the
103 manufacturer's serial number; the name of the vessel, live-

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104 aboard vessel, or houseboat; the registration number; and a
105 description, including color scheme, of the vessel, live-aboard
106 vessel, or houseboat.

107 2. Pay the costs assessed by the Department of Highway
108 Safety and Motor Vehicles for issuing or renewing a driver
109 ~~driver's~~ license or identification card as required by this
110 section. The driver ~~driver's~~ license or identification card
111 issued to the sexual predator must be in compliance with s.
112 322.141(3).

113 3. Provide, upon request, any additional information
114 necessary to confirm the identity of the sexual predator,
115 including a set of fingerprints.

116 (g)1. Each time a sexual predator's driver ~~driver's~~
117 license or identification card is subject to renewal, and,
118 without regard to the status of the predator's driver ~~driver's~~
119 license or identification card, within 48 hours after any change
120 of the predator's residence or change in the predator's name by
121 reason of marriage or other legal process, the predator shall
122 report in person to a driver ~~driver's~~ license office and shall
123 be subject to the requirements specified in paragraph (f). The
124 Department of Highway Safety and Motor Vehicles shall forward to
125 the department and to the Department of Corrections all
126 photographs and information provided by sexual predators.

127 Notwithstanding the restrictions set forth in s. 322.142, the
128 Department of Highway Safety and Motor Vehicles is authorized to
129 release a reproduction of a color-photograph or digital-image
130 license to the Department of Law Enforcement for purposes of
131 public notification of sexual predators as provided in this

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132 section. A sexual predator who is unable to secure or update a
133 driver license or identification card with the Department of
134 Highway Safety and Motor Vehicles as provided in paragraph (f)
135 and this paragraph must also report any change of the predator's
136 residence or change in the predator's name by reason of marriage
137 or other legal process within 48 hours after the change to the
138 sheriff's office in the county where the predator resides or is
139 located and provide confirmation that he or she reported such
140 information to the Department of Highway Safety and Motor
141 Vehicles.

142 2. A sexual predator who vacates a permanent, temporary,
143 or transient residence and fails to establish or maintain
144 another permanent, temporary, or transient residence shall,
145 within 48 hours after vacating the permanent, temporary, or
146 transient residence, report in person to the sheriff's office of
147 the county in which he or she is located. The sexual predator
148 shall specify the date upon which he or she intends to or did
149 vacate such residence. The sexual predator must provide or
150 update all of the registration information required under
151 paragraph (a). The sexual predator must provide an address for
152 the residence or other place that he or she is or will be
153 located during the time in which he or she fails to establish or
154 maintain a permanent or temporary residence.

155 3. A sexual predator who remains at a permanent,
156 temporary, or transient residence after reporting his or her
157 intent to vacate such residence shall, within 48 hours after the
158 date upon which the predator indicated he or she would or did
159 vacate such residence, report in person to the sheriff's office

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160 to which he or she reported pursuant to subparagraph 2. for the
161 purpose of reporting his or her address at such residence. When
162 the sheriff receives the report, the sheriff shall promptly
163 convey the information to the department. An offender who makes
164 a report as required under subparagraph 2. but fails to make a
165 report as required under this subparagraph commits a felony of
166 the second degree, punishable as provided in s. 775.082, s.
167 775.083, or s. 775.084.

168 4. A sexual predator must register all ~~any~~ electronic mail
169 addresses and Internet identifiers ~~address or instant message~~
170 ~~name~~ with the department prior to using such electronic mail
171 addresses and Internet identifiers ~~address or instant message~~
172 ~~name on or after October 1, 2007~~. The department shall establish
173 an online system through which sexual predators may securely
174 access and update all electronic mail address and Internet
175 identifier ~~instant message name~~ information.

176 (h) The department must notify the sheriff and the state
177 attorney of the county and, if applicable, the police chief of
178 the municipality, where the sexual predator maintains a
179 residence.

180 (i) A sexual predator who intends to establish a
181 permanent, temporary, or transient residence in another state or
182 jurisdiction other than the State of Florida shall report in
183 person to the sheriff of the county of current residence within
184 48 hours before the date he or she intends to leave this state
185 to establish residence in another state or jurisdiction or
186 within 21 days before his or her planned departure date if the
187 intended residence of 5 days or more is outside of the United

Amendment No. 1

188 States. The sexual predator must provide to the sheriff the
189 address, municipality, county, ~~and~~ state, and country of
190 intended residence. The sheriff shall promptly provide to the
191 department the information received from the sexual predator.
192 The department shall notify the statewide law enforcement
193 agency, or a comparable agency, in the intended state, ~~or~~
194 jurisdiction, or country of residence of the sexual predator's
195 intended residence. The failure of a sexual predator to provide
196 his or her intended place of residence is punishable as provided
197 in subsection (10).

198 (j) A sexual predator who indicates his or her intent to
199 establish a permanent, temporary, or transient residence in
200 another state, a ~~or~~ jurisdiction other than the State of
201 Florida, or another country and later decides to remain in this
202 state shall, within 48 hours after the date upon which the
203 sexual predator indicated he or she would leave this state,
204 report in person to the sheriff to which the sexual predator
205 reported the intended change of residence, and report his or her
206 intent to remain in this state. If the sheriff is notified by
207 the sexual predator that he or she intends to remain in this
208 state, the sheriff shall promptly report this information to the
209 department. A sexual predator who reports his or her intent to
210 establish a permanent, temporary, or transient residence in
211 another state, a ~~or~~ jurisdiction other than the State of
212 Florida, or another country, but who remains in this state
213 without reporting to the sheriff in the manner required by this
214 paragraph, commits a felony of the second degree, punishable as
215 provided in s. 775.082, s. 775.083, or s. 775.084.

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216 (k)1. The department is responsible for the online
217 maintenance of current information regarding each registered
218 sexual predator. The department must maintain hotline access for
219 state, local, and federal law enforcement agencies to obtain
220 instantaneous locator file and offender characteristics
221 information on all released registered sexual predators for
222 purposes of monitoring, tracking, and prosecution. The
223 photograph and fingerprints do not have to be stored in a
224 computerized format.

225 2. The department's sexual predator registration list,
226 containing the information described in subparagraph (a)1., is a
227 public record. The department is authorized to disseminate this
228 public information by any means deemed appropriate, including
229 operating a toll-free telephone number for this purpose. When
230 the department provides information regarding a registered
231 sexual predator to the public, department personnel must advise
232 the person making the inquiry that positive identification of a
233 person believed to be a sexual predator cannot be established
234 unless a fingerprint comparison is made, and that it is illegal
235 to use public information regarding a registered sexual predator
236 to facilitate the commission of a crime.

237 3. The department shall adopt guidelines as necessary
238 regarding the registration of sexual predators and the
239 dissemination of information regarding sexual predators as
240 required by this section.

241 (1) A sexual predator must maintain registration with the
242 department for the duration of his or her life, unless the
243 sexual predator has received a full pardon or has had a

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244 conviction set aside in a postconviction proceeding for any
245 offense that met the criteria for the sexual predator
246 designation.

247 (8) VERIFICATION.—The department and the Department of
248 Corrections shall implement a system for verifying the addresses
249 of sexual predators. The system must be consistent with the
250 provisions of the federal Adam Walsh Child Protection and Safety
251 Act of 2006 and any other federal standards applicable to such
252 verification or required to be met as a condition for the
253 receipt of federal funds by the state. The Department of
254 Corrections shall verify the addresses of sexual predators who
255 are not incarcerated but who reside in the community under the
256 supervision of the Department of Corrections and shall report to
257 the department any failure by a sexual predator to comply with
258 registration requirements. County and local law enforcement
259 agencies, in conjunction with the department, shall verify the
260 addresses of sexual predators who are not under the care,
261 custody, control, or supervision of the Department of
262 Corrections. Local law enforcement agencies shall report to the
263 department any failure by a sexual predator to comply with
264 registration requirements.

265 (a) A sexual predator must report in person each year
266 during the month of the sexual predator's birthday and during
267 every third month thereafter to the sheriff's office in the
268 county in which he or she resides or is otherwise located to
269 reregister. The sheriff's office may determine the appropriate
270 times and days for reporting by the sexual predator, which shall
271 be consistent with the reporting requirements of this paragraph.

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272 Reregistration shall include any changes to the following
273 information:

274 1. Name; social security number; age; race; sex; date of
275 birth; height; weight; tattoos or other identifying marks; hair
276 and eye color; address of any permanent residence and address of
277 any current temporary residence, within the state or out of
278 state, including a rural route address and a post office box; if
279 no permanent or temporary address, any transient residence
280 within the state; address, location or description, and dates of
281 any current or known future temporary residence within the state
282 or out of state; ~~any electronic mail addresses address and or~~
283 Internet identifiers any instant message name required to be
284 provided pursuant to subparagraph (6)(g)4.; home telephone
285 numbers number and any or cellular telephone numbers number;
286 date and place of any employment; the vehicle make, model,
287 color, registration number, and license tag number of any
288 vehicles owned; fingerprints; palm prints; and photograph. A
289 post office box shall not be provided in lieu of a physical
290 residential address. The sexual predator must also produce his
291 or her passport, if he or she has a passport, and, if he or she
292 is an alien, must produce or provide information about documents
293 establishing his or her immigration status. The sexual predator
294 must also provide information about any professional licenses he
295 or she may have.

296 2. If the sexual predator is enrolled, employed,
297 volunteering, or carrying on a vocation at an institution of
298 higher education in this state, the sexual predator shall also
299 provide to the department the name, address, and county of each

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300 institution, including each campus attended, and the sexual
301 predator's enrollment, volunteer, or employment status.

302 3. If the sexual predator's place of residence is a motor
303 vehicle, trailer, mobile home, or manufactured home, as defined
304 in chapter 320, the sexual predator shall also provide the
305 vehicle identification number; the license tag number; the
306 registration number; and a description, including color scheme,
307 of the motor vehicle, trailer, mobile home, or manufactured
308 home. If the sexual predator's place of residence is a vessel,
309 live-aboard vessel, or houseboat, as defined in chapter 327, the
310 sexual predator shall also provide the hull identification
311 number; the manufacturer's serial number; the name of the
312 vessel, live-aboard vessel, or houseboat; the registration
313 number; and a description, including color scheme, of the
314 vessel, live-aboard vessel, or houseboat.

315 (b) The sheriff's office shall, within 2 working days,
316 electronically submit and update all information provided by the
317 sexual predator to the department in a manner prescribed by the
318 department.

319 (10) PENALTIES.—

320 (a) Except as otherwise specifically provided, a sexual
321 predator who fails to register; who fails, after registration,
322 to maintain, acquire, or renew a driver ~~driver's~~ license or
323 identification card; who fails to provide required location
324 information, electronic mail address information prior to use,
325 Internet identifier ~~instant-message-name~~ information prior to
326 use, all home telephone numbers ~~number~~ and ~~any~~ cellular
327 telephone numbers ~~number~~, or change-of-name information; who

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328 fails to make a required report in connection with vacating a
329 permanent residence; who fails to reregister as required; who
330 fails to respond to any address verification correspondence from
331 the department within 3 weeks of the date of the correspondence;
332 who knowingly provides false registration information by act or
333 omission; or who otherwise fails, by act or omission, to comply
334 with the requirements of this section, commits a felony of the
335 third degree, punishable as provided in s. 775.082, s. 775.083,
336 or s. 775.084.

337 Section 2. Section 800.03, Florida Statutes, is amended to
338 read:

339 800.03 Exposure of sexual organs.—

340 (1) It is unlawful to expose or exhibit one's sexual
341 organs in public or on the private premises of another, or so
342 near thereto as to be seen from such private premises, in a
343 vulgar or indecent manner, or to be naked in public except in
344 any place provided or set apart for that purpose.

345 (2)(a) Except as provided in paragraph (b), a violation of
346 this section is a misdemeanor of the first degree, punishable as
347 provided in s. 775.082 or s. 775.083.

348 (b) A third or subsequent violation of this section is a
349 felony of the third degree, punishable as provided in s.
350 775.082, s. 775.083, or s. 775.084.

351 (3) A mother's breastfeeding of her baby does not under
352 any circumstance violate this section.

353 Section 3. Paragraph (m) is added to subsection (2) of
354 section 903.046, Florida Statutes, to read:

355 903.046 Purpose of and criteria for bail determination.—

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356 (2) When determining whether to release a defendant on
357 bail or other conditions, and what that bail or those conditions
358 may be, the court shall consider:

359 (m) Whether the defendant, other than a defendant whose
360 only criminal charge is a misdemeanor offense under chapter 316,
361 is required to register as a sexual offender under s. 943.0435
362 or a sexual predator under s. 775.21; and, if so, he or she is
363 not eligible for release on bail or surety bond until the first
364 appearance on the case in order to ensure the full participation
365 of the prosecutor and the protection of the public.

366 Section 4. Paragraphs (a) and (g) of subsection (1),
367 subsection (2), paragraphs (a) and (d) of subsection (4),
368 subsections (7), (8), and (11), and paragraph (c) of subsection
369 (14) of section 943.0435, Florida Statutes, are amended to read:

370 943.0435 Sexual offenders required to register with the
371 department; penalty.—

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

373 (a)1. "Sexual offender" means a person who meets the
374 criteria in sub-subparagraph a., sub-subparagraph b., sub-
375 subparagraph c., or sub-subparagraph d., as follows:

376 a.(I) Has been convicted of committing, or attempting,
377 soliciting, or conspiring to commit, any of the criminal
378 offenses proscribed in the following statutes in this state or
379 similar offenses in another jurisdiction: s. 393.135(2); s.
380 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
381 the victim is a minor and the defendant is not the victim's
382 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
383 794.05; s. 796.03; s. 796.035; s. 796.045; s. 800.04; s.

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384 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
385 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
386 916.1075(2); or s. 985.701(1); or any similar offense committed
387 in this state which has been redesignated from a former statute
388 number to one of those listed in this sub-sub-subparagraph; and

389 (II) Has been released on or after October 1, 1997, from
390 the sanction imposed for any conviction of an offense described
391 in sub-sub-subparagraph (I). For purposes of sub-sub-
392 subparagraph (I), a sanction imposed in this state or in any
393 other jurisdiction includes, but is not limited to, a fine,
394 probation, community control, parole, conditional release,
395 control release, or incarceration in a state prison, federal
396 prison, private correctional facility, or local detention
397 facility;

398 b. Establishes or maintains a residence in this state and
399 who has not been designated as a sexual predator by a court of
400 this state but who has been designated as a sexual predator, as
401 a sexually violent predator, or by another sexual offender
402 designation in another state or jurisdiction and was, as a
403 result of such designation, subjected to registration or
404 community or public notification, or both, or would be if the
405 person were a resident of that state or jurisdiction, without
406 regard to whether the person otherwise meets the criteria for
407 registration as a sexual offender;

408 c. Establishes or maintains a residence in this state who
409 is in the custody or control of, or under the supervision of,
410 any other state or jurisdiction as a result of a conviction for
411 committing, or attempting, soliciting, or conspiring to commit,

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412 any of the criminal offenses proscribed in the following
413 statutes or similar offense in another jurisdiction: s.
414 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
415 787.025(2)(c), where the victim is a minor and the defendant is
416 not the victim's parent or guardian; s. 794.011, excluding s.
417 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 796.045; s.
418 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
419 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
420 s. 916.1075(2); or s. 985.701(1); or any similar offense
421 committed in this state which has been redesignated from a
422 former statute number to one of those listed in this sub-
423 subparagraph; or

424 d. On or after July 1, 2007, has been adjudicated
425 delinquent for committing, or attempting, soliciting, or
426 conspiring to commit, any of the criminal offenses proscribed in
427 the following statutes in this state or similar offenses in
428 another jurisdiction when the juvenile was 14 years of age or
429 older at the time of the offense:

430 (I) Section 794.011, excluding s. 794.011(10);

431 (II) Section 800.04(4)(b) where the victim is under 12
432 years of age or where the court finds sexual activity by the use
433 of force or coercion;

434 (III) Section 800.04(5)(c)1. where the court finds
435 molestation involving unclothed genitals; or

436 (IV) Section 800.04(5)(d) where the court finds the use of
437 force or coercion and unclothed genitals.

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438 2. For all qualifying offenses listed in sub-subparagraph
439 (1)(a)1.d., the court shall make a written finding of the age of
440 the offender at the time of the offense.

441

442 For each violation of a qualifying offense listed in this
443 subsection, except for a violation of s. 794.011, the court
444 shall make a written finding of the age of the victim at the
445 time of the offense. For a violation of s. 800.04(4), the court
446 shall additionally make a written finding indicating that the
447 offense did or did not involve sexual activity and indicating
448 that the offense did or did not involve force or coercion. For a
449 violation of s. 800.04(5), the court shall additionally make a
450 written finding that the offense did or did not involve
451 unclothed genitals or genital area and that the offense did or
452 did not involve the use of force or coercion.

453 (g) "Internet identifier ~~Instant message name~~" has the
454 same meaning as provided in s. 775.21 ~~means an identifier that~~
455 ~~allows a person to communicate in real time with another person~~
456 ~~using the Internet.~~

457 (2) A sexual offender shall:

458 (a) Report in person at the sheriff's office:

459 1. In the county in which the offender establishes or
460 maintains a permanent, temporary, or transient residence within
461 48 hours after:

462 a. Establishing permanent, temporary, or transient
463 residence in this state; or

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464 b. Being released from the custody, control, or
465 supervision of the Department of Corrections or from the custody
466 of a private correctional facility; or

467 2. In the county where he or she was convicted within 48
468 hours after being convicted for a qualifying offense for
469 registration under this section if the offender is not in the
470 custody or control of, or under the supervision of, the
471 Department of Corrections, or is not in the custody of a private
472 correctional facility.

473
474 Any change in the information required to be provided pursuant
475 to paragraph (b), including, but not limited to, any change in
476 the sexual offender's permanent, temporary, or transient
477 residence, name, ~~any~~ electronic mail addresses ~~address and or~~
478 Internet identifiers ~~any instant message name~~ required to be
479 provided pursuant to paragraph (4)(d), after the sexual offender
480 reports in person at the sheriff's office, shall be accomplished
481 in the manner provided in subsections (4), (7), and (8).

482 (b) Provide his or her name; date of birth; social
483 security number; race; sex; height; weight; hair and eye color;
484 tattoos or other identifying marks; occupation and place of
485 employment; address of permanent or legal residence or address
486 of any current temporary residence, within the state or out of
487 state, including a rural route address and a post office box; if
488 no permanent or temporary address, any transient residence
489 within the state, address, location or description, and dates of
490 any current or known future temporary residence within the state
491 or out of state; the make, model, color, registration number,

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492 and license tag number of all vehicles owned; all home telephone
493 numbers number and any cellular telephone numbers number; all
494 any electronic mail addresses address and all Internet
495 identifiers any instant message name required to be provided
496 pursuant to paragraph (4)(d); fingerprints; palm prints;
497 photograph; date and place of each conviction; and a brief
498 description of the crime or crimes committed by the offender. A
499 post office box shall not be provided in lieu of a physical
500 residential address. The sexual offender must also produce his
501 or her passport, if he or she has a passport, and, if he or she
502 is an alien, must produce or provide information about documents
503 establishing his or her immigration status. The sexual offender
504 must also provide information about any professional licenses he
505 or she may have.

506 1. If the sexual offender's place of residence is a motor
507 vehicle, trailer, mobile home, or manufactured home, as defined
508 in chapter 320, the sexual offender shall also provide to the
509 department through the sheriff's office written notice of the
510 vehicle identification number; the license tag number; the
511 registration number; and a description, including color scheme,
512 of the motor vehicle, trailer, mobile home, or manufactured
513 home. If the sexual offender's place of residence is a vessel,
514 live-aboard vessel, or houseboat, as defined in chapter 327, the
515 sexual offender shall also provide to the department written
516 notice of the hull identification number; the manufacturer's
517 serial number; the name of the vessel, live-aboard vessel, or
518 houseboat; the registration number; and a description, including
519 color scheme, of the vessel, live-aboard vessel, or houseboat.

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520 2. If the sexual offender is enrolled, employed,
521 volunteering, or carrying on a vocation at an institution of
522 higher education in this state, the sexual offender shall also
523 provide to the department through the sheriff's office the name,
524 address, and county of each institution, including each campus
525 attended, and the sexual offender's enrollment, volunteer, or
526 employment status. Each change in enrollment, volunteer, or
527 employment status shall be reported in person at the sheriff's
528 office, within 48 hours after any change in status. The sheriff
529 shall promptly notify each institution of the sexual offender's
530 presence and any change in the sexual offender's enrollment,
531 volunteer, or employment status.

532 (c) Provide any other information determined necessary by
533 the department, including criminal and corrections records;
534 nonprivileged personnel and treatment records; and evidentiary
535 genetic markers, when available.

536
537 When a sexual offender reports at the sheriff's office, the
538 sheriff shall take a photograph, and a set of fingerprints, and
539 palm prints of the offender and forward the photographs, palm
540 prints, and fingerprints to the department, along with the
541 information provided by the sexual offender. The sheriff shall
542 promptly provide to the department the information received from
543 the sexual offender.

544 (4) (a) Each time a sexual offender's driver ~~driver's~~
545 license or identification card is subject to renewal, and,
546 without regard to the status of the offender's driver ~~driver's~~
547 license or identification card, within 48 hours after any change

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548 in the offender's permanent, temporary, or transient residence
549 or change in the offender's name by reason of marriage or other
550 legal process, the offender shall report in person to a driver
551 ~~driver's~~ license office, and shall be subject to the
552 requirements specified in subsection (3). The Department of
553 Highway Safety and Motor Vehicles shall forward to the
554 department all photographs and information provided by sexual
555 offenders. Notwithstanding the restrictions set forth in s.
556 322.142, the Department of Highway Safety and Motor Vehicles is
557 authorized to release a reproduction of a color-photograph or
558 digital-image license to the Department of Law Enforcement for
559 purposes of public notification of sexual offenders as provided
560 in this section and ss. 943.043 and 944.606. A sexual offender
561 who is unable to secure or update a driver license or
562 identification card with the Department of Highway Safety and
563 Motor Vehicles as provided in subsection (3) and this subsection
564 must also report any change in the sexual offender's permanent,
565 temporary, or transient residence or change in the offender's
566 name by reason of marriage or other legal process within 48
567 hours after the change to the sheriff's office in the county
568 where the offender resides or is located and provide
569 confirmation that he or she reported such information to the
570 Department of Highway Safety and Motor Vehicles.

571 (d) A sexual offender must register all any electronic
572 mail addresses and Internet identifiers ~~address or instant~~
573 ~~message name~~ with the department prior to using such electronic
574 mail addresses and Internet identifiers ~~address or instant~~
575 ~~message name on or after October 1, 2007.~~ The department shall

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576 establish an online system through which sexual offenders may
577 securely access and update all electronic mail address and
578 Internet identifier ~~instant message name~~ information.

579 (7) A sexual offender who intends to establish a
580 permanent, temporary, or transient residence in another state or
581 jurisdiction other than the State of Florida shall report in
582 person to the sheriff of the county of current residence within
583 48 hours before the date he or she intends to leave this state
584 to establish residence in another state or jurisdiction or
585 within 21 days before his or her planned departure date if the
586 intended residence of 5 days or more is outside of the United
587 States. The notification must include the address, municipality,
588 county, ~~and~~ state, and country of intended residence. The
589 sheriff shall promptly provide to the department the information
590 received from the sexual offender. The department shall notify
591 the statewide law enforcement agency, or a comparable agency, in
592 the intended state, ~~or~~ jurisdiction, or country of residence of
593 the sexual offender's intended residence. The failure of a
594 sexual offender to provide his or her intended place of
595 residence is punishable as provided in subsection (9).

596 (8) A sexual offender who indicates his or her intent to
597 establish a permanent, temporary, or transient residence in
598 another state, a ~~or~~ jurisdiction other than the State of
599 Florida, or another country and later decides to remain in this
600 state shall, within 48 hours after the date upon which the
601 sexual offender indicated he or she would leave this state,
602 report in person to the sheriff to which the sexual offender
603 reported the intended change of permanent, temporary, or

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604 transient residence, and report his or her intent to remain in
605 this state. The sheriff shall promptly report this information
606 to the department. A sexual offender who reports his or her
607 intent to establish a permanent, temporary, or transient
608 residence in another state, a ~~ex~~ jurisdiction other than the
609 State of Florida, or another country but who remains in this
610 state without reporting to the sheriff in the manner required by
611 this subsection commits a felony of the second degree,
612 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

613 (11) Except as provided in this subsection and s.
614 943.04354, a sexual offender must maintain registration with the
615 department for the duration of his or her life, unless the
616 sexual offender has received a full pardon or has had a
617 conviction set aside in a postconviction proceeding for any
618 offense that meets the criteria for classifying the person as a
619 sexual offender for purposes of registration. ~~However, a sexual~~
620 ~~offender:~~

621 (a)1. A sexual offender may petition the criminal division
622 of the circuit court of the circuit in which the sexual offender
623 resides for the purpose of removing the requirement for
624 registration as a sexual offender if ~~who has been lawfully~~
625 ~~released from confinement, supervision, or sanction, whichever~~
626 ~~is later, for at least 25 years and has not been arrested for~~
627 ~~any felony or misdemeanor offense since release, provided that~~
628 ~~the sexual offender's requirement to register was not based upon~~
629 ~~an adult conviction:~~

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630 a. Twenty-five years have elapsed since the sexual
631 offender's registration period for the most recent conviction
632 that required the offender to register began;

633 b. The sexual offender has not been convicted or
634 adjudicated delinquent of any felony offense or of an offense
635 punishable by more than 1 year of imprisonment during the 25
636 years preceding the petition to the court;

637 c. The sexual offender has successfully completed all
638 sanctions imposed for all offenses that required the offender to
639 register;

640 d. The sexual offender's requirement to register was not
641 based upon an adult conviction for a violation of s. 787.01, s.
642 794.011, excluding s. 794.011(10), s. 800.04(4)(b) where the
643 court finds the offense involved a victim under 12 years of age
644 or sexual activity by the use of force or coercion, s.
645 800.04(5)(b), or s. 800.04(5)(c)2. where the court finds the
646 offense involved unclothed genitals or genital area; for any
647 attempt or conspiracy to commit any offense listed in this sub-
648 paragraph; or for a violation of similar law of another
649 jurisdiction; and

650 e. For sexual offenders whose requirement to register is
651 based upon a conviction in another state, the sexual offender is
652 not required to register as a sexual offender pursuant to the
653 laws of the state where the conviction occurred. Such offenders
654 must provide the court written confirmation that he or she is
655 not required to register in the state where the conviction
656 occurred.

657 ~~a. For a violation of s. 787.01 or s. 787.02,~~

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658 ~~b. For a violation of s. 794.011, excluding s.~~
659 ~~794.011(10);~~

660 ~~c. For a violation of s. 800.04(4)(b) where the court~~
661 ~~finds the offense involved a victim under 12 years of age or~~
662 ~~sexual activity by the use of force or coercion;~~

663 ~~d. For a violation of s. 800.04(5)(b);~~

664 ~~e. For a violation of s. 800.04(5)c.2. where the court~~
665 ~~finds the offense involved unclashed genitals or genital area;~~

666 ~~f. For any attempt or conspiracy to commit any such~~
667 ~~offense; or~~

668 ~~g. For a violation of similar law of another jurisdiction;~~

669

670 ~~may petition the criminal division of the circuit court of the~~
671 ~~circuit in which the sexual offender resides for the purpose of~~
672 ~~removing the requirement for registration as a sexual offender.~~

673 2. A sexual offender whose requirement to register was
674 based upon an adult conviction for a violation of s. 787.02 or
675 s. 827.071(5), for any attempt or conspiracy to commit any
676 offense listed in this subparagraph, or for a violation of
677 similar law of another jurisdiction may petition the criminal
678 division of the circuit court of the circuit in which the sexual
679 offender resides for the purpose of removing the requirement for
680 registration as a sexual offender if:

681 a. Fifteen years have elapsed since the sexual offender's
682 registration period for the most recent conviction that required
683 the offender to register began;

684 b. The sexual offender has not been convicted or
685 adjudicated delinquent of any felony offense or of an offense

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686 punishable by more than 1 year of imprisonment during the 10
687 years preceding the petition to the court;

688 c. The sexual offender has successfully completed all
689 sanctions imposed for all offenses that required the offender to
690 register; and

691 d. For sexual offenders whose requirement to register is
692 based upon a conviction in another state, the sexual offender is
693 not required to register as a sexual offender pursuant to the
694 laws of the state where the conviction occurred. Such offenders
695 must provide the court written confirmation that he or she is
696 not required to register in the state where the conviction
697 occurred.

698 3. A sexual offender required to register under sub-
699 subparagraph (1)(a)1.d. may petition the criminal division of
700 the circuit court of the circuit in which the sexual offender
701 resides for the purpose of removing the requirement for
702 registration as a sexual offender if:

703 a. Twenty-five years have elapsed since the sexual
704 offender's registration period for the most recent adjudication
705 that required the offender to register began;

706 b. The sexual offender has not been convicted or
707 adjudicated delinquent of any felony offense or of an offense
708 punishable by more than 1 year of imprisonment during the 25
709 years preceding the petition to the court; and

710 c. The sexual offender has successfully completed all
711 sanctions imposed for any offense that required the offender to
712 register.

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713 ~~4.2-~~ The court may grant or deny relief if the offender
714 demonstrates to the court that ~~he or she has not been arrested~~
715 ~~for any crime since release~~, the requested relief complies with
716 this paragraph, ~~the provisions of~~ the federal Adam Walsh Child
717 Protection and Safety Act of 2006, and any other federal
718 standards applicable to the removal of registration requirements
719 for a sexual offender or required to be met as a condition for
720 the receipt of federal funds by the state; and the court is
721 otherwise satisfied that the offender is not a current or
722 potential threat to public safety. The state attorney in the
723 circuit in which the petition is filed and the department must
724 be given notice of the petition at least 3 weeks before the
725 hearing on the matter. The state attorney may present evidence
726 in opposition to the requested relief or may otherwise
727 demonstrate the reasons why the petition should be denied. If
728 the court grants the petition, the court shall instruct the
729 petitioner to provide the department with a certified copy of
730 the order granting relief. If the court denies the petition, the
731 court may set a future date at which the sexual offender may
732 again petition the court for relief, subject to the standards
733 for relief provided in this subsection.

734 ~~5.3-~~ The department shall remove an offender from
735 classification as a sexual offender for purposes of registration
736 if the offender provides to the department a certified copy of
737 the court's written findings or order that indicates that the
738 offender is no longer required to comply with the requirements
739 for registration as a sexual offender.

740 6. For purposes of this paragraph:

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741 a. The registration period of a sexual offender sentenced
742 to a term of incarceration or committed to a residential program
743 begins upon the offender's release from incarceration or
744 commitment for the most recent conviction that required the
745 offender to register.

746 b. A sexual offender's registration period is tolled
747 during any period in which the offender is incarcerated, civilly
748 committed, detained pursuant to chapter 985, or committed to a
749 residential program.

750 (b) A sexual offender as defined in sub-subparagraph
751 (1)(a)1.b. must maintain registration with the department for
752 the duration of his or her life until the person provides the
753 department with an order issued by the court that designated the
754 person as a sexual predator, as a sexually violent predator, or
755 by another sexual offender designation in the state or
756 jurisdiction in which the order was issued which states that
757 such designation has been removed or demonstrates to the
758 department that such designation, if not imposed by a court, has
759 been removed by operation of law or court order in the state or
760 jurisdiction in which the designation was made, and provided
761 such person no longer meets the criteria for registration as a
762 sexual offender under the laws of this state.

763 (14)

764 (c) The sheriff's office may determine the appropriate
765 times and days for reporting by the sexual offender, which shall
766 be consistent with the reporting requirements of this
767 subsection. Reregistration shall include any changes to the
768 following information:

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769 1. Name; social security number; age; race; sex; date of
770 birth; height; weight; hair and eye color; address of any
771 permanent residence and address of any current temporary
772 residence, within the state or out of state, including a rural
773 route address and a post office box; if no permanent or
774 temporary address, any transient residence within the state;
775 address, location or description, and dates of any current or
776 known future temporary residence within the state or out of
777 state; any electronic mail addresses ~~address and~~ or Internet
778 identifiers ~~any instant message name~~ required to be provided
779 pursuant to paragraph (4)(d); home telephone numbers ~~number and~~
780 or any cellular telephone numbers ~~number~~; date and place of any
781 employment; the vehicle make, model, color, registration number,
782 and license tag number of any vehicles owned; fingerprints; palm
783 prints; and photograph. A post office box may shall not be
784 provided in lieu of a physical residential address. The sexual
785 offender must also produce his or her passport, if he or she has
786 a passport, and, if he or she is an alien, must produce or
787 provide information about documents establishing his or her
788 immigration status. The sexual offender must also provide
789 information about any professional licenses he or she may have.

790 2. If the sexual offender is enrolled, volunteering,
791 employed, or carrying on a vocation at an institution of higher
792 education in this state, the sexual offender shall also provide
793 to the department the name, address, and county of each
794 institution, including each campus attended, and the sexual
795 offender's enrollment, volunteer, or employment status.

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796 3. If the sexual offender's place of residence is a motor
797 vehicle, trailer, mobile home, or manufactured home, as defined
798 in chapter 320, the sexual offender shall also provide the
799 vehicle identification number; the license tag number; the
800 registration number; and a description, including color scheme,
801 of the motor vehicle, trailer, mobile home, or manufactured
802 home. If the sexual offender's place of residence is a vessel,
803 live-aboard vessel, or houseboat, as defined in chapter 327, the
804 sexual offender shall also provide the hull identification
805 number; the manufacturer's serial number; the name of the
806 vessel, live-aboard vessel, or houseboat; the registration
807 number; and a description, including color scheme, of the
808 vessel, live-aboard vessel or houseboat.

809 4. Any sexual offender who fails to report in person as
810 required at the sheriff's office, ~~or~~ who fails to respond to any
811 address verification correspondence from the department within 3
812 weeks of the date of the correspondence, ~~or~~ who fails to report
813 all electronic mail addresses and all Internet identifiers prior
814 to use ~~or instant message names~~, or who knowingly provides false
815 registration information by act or omission commits a felony of
816 the third degree, punishable as provided in s. 775.082, s.
817 775.083, or s. 775.084.

818 Section 5. Section 943.04351, Florida Statutes, is amended
819 to read:

820 943.04351 Search of registration information regarding
821 sexual predators and sexual offenders required prior to
822 appointment or employment.—A state agency or governmental
823 subdivision, prior to making any decision to appoint or employ a

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824 person to work, whether for compensation or as a volunteer, at
825 any park, playground, day care center, or other place where
826 children regularly congregate, must conduct a search of that
827 person's name or other identifying information against the
828 registration information regarding sexual predators and sexual
829 offenders maintained by the Department of Law Enforcement under
830 s. 943.043. The agency or governmental subdivision may conduct
831 the search using the Internet site maintained by the Department
832 of Law Enforcement. Also, a national search must be conducted
833 through the Dru Sjodin National Sex Offender Public Website
834 maintained by the United States Department of Justice. This
835 section does not apply to those positions or appointments within
836 a state agency or governmental subdivision for which a state and
837 national criminal history background check is conducted.

838 Section 6. Section 943.04354, Florida Statutes, is amended
839 to read:

840 943.04354 Removal of the requirement to register as a
841 sexual offender or sexual predator in special circumstances.-

842 (1) For purposes of this section, a person shall be
843 considered for removal of the requirement to register as a
844 sexual offender or sexual predator only if the person:

845 (a) Was ~~or will be~~ convicted, regardless of adjudication,
846 or adjudicated delinquent of a violation of s. 794.011, s.
847 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in
848 another jurisdiction, or the person committed a violation of s.
849 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~
850 ~~adjudication of guilt was or will be withheld,~~ and the person
851 does not have any other conviction, regardless of adjudication,

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852 or adjudication of delinquency, or withhold of adjudication of
853 guilt for a violation of s. 794.011, s. 800.04, s. 827.071, or
854 s. 847.0135(5), or a similar offense in another jurisdiction;

855 (b)1. Was convicted, regardless of adjudication, or
856 adjudicated delinquent of an offense listed in paragraph (a) and
857 is required to register as a sexual offender or sexual predator
858 solely on the basis of this conviction or adjudication
859 violation; or and

860 2. Was convicted, regardless of adjudication, or
861 adjudicated delinquent of an offense in another jurisdiction
862 that is similar to an offense listed in paragraph (a) and no
863 longer meets the criteria for registration as a sexual offender
864 or sexual predator under the laws of the jurisdiction where the
865 similar offense occurred; and

866 (c) Is not more than 4 years older than the victim of this
867 violation who was 13 ~~14~~ years of age or older but less ~~not more~~
868 than 18 ~~17~~ years of age at the time the person committed this
869 violation.

870 (2) If a person meets the criteria in subsection (1) ~~and~~
871 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
872 ~~847.0135(5) was committed on or after July 1, 2007, the person~~
873 may move the criminal court of the circuit in which the offense
874 occurred or the sentencing court or, for persons convicted or
875 adjudicated delinquent of a qualifying offense in another
876 jurisdiction, the criminal circuit court of the circuit in which
877 the person resides that will sentence or dispose of this
878 violation to remove the requirement that the person register as
879 a sexual offender or sexual predator. The person must allege in

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880 the motion that he or she meets the criteria in subsection (1)
881 and that removal of the registration requirement will not
882 conflict with federal law. Persons convicted or adjudicated
883 delinquent of an offense in another jurisdiction that is similar
884 to an offense listed in paragraph (1)(a) must provide the court
885 written confirmation that he or she is not required to register
886 in the state where the conviction or adjudication occurred. The
887 state attorney and the department must be given notice of the
888 motion at least 21 days before the date of sentencing, ~~or~~
889 disposition of the this violation, or hearing on the motion and
890 may present evidence in opposition to the requested relief or
891 may otherwise demonstrate why the motion should be denied. At
892 sentencing, ~~or~~ disposition of the this violation, or hearing on
893 the motion, the court shall rule on this motion and, if the
894 court determines the person meets the criteria in subsection (1)
895 and the removal of the registration requirement will not
896 conflict with federal law, it may grant the motion and order the
897 removal of the registration requirement. The court shall
898 instruct the person to provide the department a certified copy
899 of the order granting relief. If the court denies the motion,
900 the person is not authorized under this section to file another
901 motion ~~petition~~ for removal of the registration requirement.

902 ~~(3)(a) This subsection applies to a person who:~~

903 ~~1. Is not a person described in subsection (2) because the~~
904 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
905 ~~committed on or after July 1, 2007;~~

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906 ~~2. Is subject to registration as a sexual offender or~~
907 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~
908 ~~827.071; and~~

909 ~~3. Meets the criteria in subsection (1).~~

910 ~~(b) A person may petition the court in which the sentence~~
911 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~
912 ~~827.071 occurred for removal of the requirement to register as a~~
913 ~~sexual offender or sexual predator. The person must allege in~~
914 ~~the petition that he or she meets the criteria in subsection (1)~~
915 ~~and removal of the registration requirement will not conflict~~
916 ~~with federal law. The state attorney must be given notice of the~~
917 ~~petition at least 21 days before the hearing on the petition and~~
918 ~~may present evidence in opposition to the requested relief or~~
919 ~~may otherwise demonstrate why the petition should be denied. The~~
920 ~~court shall rule on the petition and, if the court determines~~
921 ~~the person meets the criteria in subsection (1) and removal of~~
922 ~~the registration requirement will not conflict with federal law,~~
923 ~~it may grant the petition and order the removal of the~~
924 ~~registration requirement. If the court denies the petition, the~~
925 ~~person is not authorized under this section to file any further~~
926 ~~petition for removal of the registration requirement.~~

927 ~~(3)-(4)~~ If a person provides to the Department of Law
928 Enforcement a certified copy of the court's order removing the
929 requirement that the person register as a sexual offender or
930 sexual predator for the violation of s. 794.011, s. 800.04, s.
931 827.071, or s. 847.0135(5), or a similar offense in another
932 jurisdiction, the registration requirement will not apply to the
933 person and the department shall remove all information about the

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934 person from the public registry of sexual offenders and sexual
935 predators maintained by the department. However, the removal of
936 this information from the public registry does not mean that the
937 public is denied access to information about the person's
938 criminal history or record that is otherwise available as a
939 public record.

940 Section 7. Subsection (2) and paragraph (a) of subsection
941 (3) of section 943.0437, Florida Statutes, are amended to read:

942 943.0437 Commercial social networking websites.—

943 (2) The department may provide information relating to
944 electronic mail addresses and Internet identifiers ~~instant~~
945 ~~message names~~ maintained as part of the sexual offender registry
946 to commercial social networking websites or third parties
947 designated by commercial social networking websites. The
948 commercial social networking website may use this information
949 for the purpose of comparing registered users and screening
950 potential users of the commercial social networking website
951 against the list of electronic mail addresses and Internet
952 identifiers ~~instant message names~~ provided by the department.

953 (3) This section shall not be construed to impose any
954 civil liability on a commercial social networking website for:

955 (a) Any action voluntarily taken in good faith to remove
956 or disable any profile of a registered user associated with an
957 electronic mail address or Internet identifier ~~instant message~~
958 ~~name~~ contained in the sexual offender registry.

959 Section 8. Paragraphs (b) and (d) of subsection (1) and
960 paragraph (a) of subsection (3) of section 944.606, Florida
961 Statutes, are amended to read:

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962 944.606 Sexual offenders; notification upon release.—

963 (1) As used in this section:

964 (b) "Sexual offender" means a person who has been
965 convicted of committing, or attempting, soliciting, or
966 conspiring to commit, any of the criminal offenses proscribed in
967 the following statutes in this state or similar offenses in
968 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
969 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
970 the defendant is not the victim's parent or guardian; s.
971 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
972 796.045; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s.
973 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
974 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
975 similar offense committed in this state which has been
976 redesignated from a former statute number to one of those listed
977 in this subsection, when the department has received verified
978 information regarding such conviction; an offender's
979 computerized criminal history record is not, in and of itself,
980 verified information.

981 (d) "Internet identifier ~~Instant message name~~" has the
982 same meaning as provided in s. 775.21 ~~means an identifier that~~
983 ~~allows a person to communicate in real time with another person~~
984 ~~using the Internet.~~

985 (3)(a) The department must provide information regarding
986 any sexual offender who is being released after serving a period
987 of incarceration for any offense, as follows:

988 1. The department must provide: the sexual offender's
989 name, any change in the offender's name by reason of marriage or

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990 other legal process, and any alias, if known; the correctional
991 facility from which the sexual offender is released; the sexual
992 offender's social security number, race, sex, date of birth,
993 height, weight, and hair and eye color; address of any planned
994 permanent residence or temporary residence, within the state or
995 out of state, including a rural route address and a post office
996 box; if no permanent or temporary address, any transient
997 residence within the state; address, location or description,
998 and dates of any known future temporary residence within the
999 state or out of state; date and county of sentence and each
1000 crime for which the offender was sentenced; a copy of the
1001 offender's fingerprints, palm prints, and a digitized photograph
1002 taken within 60 days before release; the date of release of the
1003 sexual offender; all any electronic mail addresses address and
1004 all Internet identifiers any instant message name required to be
1005 provided pursuant to s. 943.0435(4)(d); all and home telephone
1006 numbers number and any cellular telephone numbers; information
1007 about any professional licenses the offender may have, if known;
1008 and passport information, if he or she has a passport, and, if
1009 he or she is an alien, information about documents establishing
1010 his or her immigration status number. The department shall
1011 notify the Department of Law Enforcement if the sexual offender
1012 escapes, absconds, or dies. If the sexual offender is in the
1013 custody of a private correctional facility, the facility shall
1014 take the digitized photograph of the sexual offender within 60
1015 days before the sexual offender's release and provide this
1016 photograph to the Department of Corrections and also place it in
1017 the sexual offender's file. If the sexual offender is in the

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1018 custody of a local jail, the custodian of the local jail shall
1019 register the offender within 3 business days after intake of the
1020 offender for any reason and upon release, and shall notify the
1021 Department of Law Enforcement of the sexual offender's release
1022 and provide to the Department of Law Enforcement the information
1023 specified in this paragraph and any information specified in
1024 subparagraph 2. that the Department of Law Enforcement requests.

1025 2. The department may provide any other information deemed
1026 necessary, including criminal and corrections records,
1027 nonprivileged personnel and treatment records, when available.

1028 Section 9. Paragraphs (a) and (f) of subsection (1),
1029 subsection (4), and paragraph (c) of subsection (13) of section
1030 944.607, Florida Statutes, are amended to read:

1031 944.607 Notification to Department of Law Enforcement of
1032 information on sexual offenders.-

1033 (1) As used in this section, the term:

1034 (a) "Sexual offender" means a person who is in the custody
1035 or control of, or under the supervision of, the department or is
1036 in the custody of a private correctional facility:

1037 1. On or after October 1, 1997, as a result of a
1038 conviction for committing, or attempting, soliciting, or
1039 conspiring to commit, any of the criminal offenses proscribed in
1040 the following statutes in this state or similar offenses in
1041 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1042 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1043 the defendant is not the victim's parent or guardian; s.
1044 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.
1045 796.035; s. 796.045; s. 800.04; s. 825.1025; s. 827.071; s.

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1046 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1047 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
1048 similar offense committed in this state which has been
1049 redesignated from a former statute number to one of those listed
1050 in this paragraph; or

1051 2. Who establishes or maintains a residence in this state
1052 and who has not been designated as a sexual predator by a court
1053 of this state but who has been designated as a sexual predator,
1054 as a sexually violent predator, or by another sexual offender
1055 designation in another state or jurisdiction and was, as a
1056 result of such designation, subjected to registration or
1057 community or public notification, or both, or would be if the
1058 person were a resident of that state or jurisdiction, without
1059 regard as to whether the person otherwise meets the criteria for
1060 registration as a sexual offender.

1061 (f) "Internet identifier ~~Instant message name~~" has the
1062 same meaning as provided in s. 775.21 ~~means an identifier that~~
1063 ~~allows a person to communicate in real time with another person~~
1064 ~~using the Internet.~~

1065 (4) A sexual offender, as described in this section, who
1066 is under the supervision of the Department of Corrections but is
1067 not incarcerated must register with the Department of
1068 Corrections within 3 business days after sentencing for a
1069 registrable offense and otherwise provide information as
1070 required by this subsection.

1071 (a) The sexual offender shall provide his or her name;
1072 date of birth; social security number; race; sex; height;
1073 weight; hair and eye color; tattoos or other identifying marks;

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1074 all any electronic mail addresses ~~address~~ and all Internet
1075 identifiers ~~any instant message name~~ required to be provided
1076 pursuant to s. 943.0435(4)(d); all home telephone numbers and
1077 cellular telephone numbers; the make, model, color, registration
1078 number, and license tag number of all vehicles owned; permanent
1079 or legal residence and address of temporary residence within the
1080 state or out of state while the sexual offender is under
1081 supervision in this state, including any rural route address or
1082 post office box; if no permanent or temporary address, any
1083 transient residence within the state; and address, location or
1084 description, and dates of any current or known future temporary
1085 residence within the state or out of state. The sexual offender
1086 must also produce his or her passport, if he or she has a
1087 passport, and, if he or she is an alien, must produce or provide
1088 information about documents establishing his or her immigration
1089 status. The sexual offender must also provide information about
1090 any professional licenses he or she may have. The Department of
1091 Corrections shall verify the address of each sexual offender in
1092 the manner described in ss. 775.21 and 943.0435. The department
1093 shall report to the Department of Law Enforcement any failure by
1094 a sexual predator or sexual offender to comply with registration
1095 requirements.

1096 (b) If the sexual offender is enrolled, employed,
1097 volunteering, or carrying on a vocation at an institution of
1098 higher education in this state, the sexual offender shall
1099 provide the name, address, and county of each institution,
1100 including each campus attended, and the sexual offender's
1101 enrollment, volunteer, or employment status. Each change in

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1102 enrollment, volunteer, or employment status shall be reported to
1103 the department within 48 hours after the change in status. The
1104 Department of Corrections shall promptly notify each institution
1105 of the sexual offender's presence and any change in the sexual
1106 offender's enrollment, volunteer, or employment status.

1107 (13)

1108 (c) The sheriff's office may determine the appropriate
1109 times and days for reporting by the sexual offender, which shall
1110 be consistent with the reporting requirements of this
1111 subsection. Reregistration shall include any changes to the
1112 following information:

1113 1. Name; social security number; age; race; sex; date of
1114 birth; height; weight; hair and eye color; address of any
1115 permanent residence and address of any current temporary
1116 residence, within the state or out of state, including a rural
1117 route address and a post office box; if no permanent or
1118 temporary address, any transient residence; address, location or
1119 description, and dates of any current or known future temporary
1120 residence within the state or out of state; ~~any~~ electronic mail
1121 addresses ~~address~~ ~~and~~ or Internet identifiers ~~any instant~~
1122 ~~message name~~ required to be provided pursuant to s.

1123 943.0435(4)(d); home telephone numbers or cellular telephone
1124 numbers; date and place of any employment; the vehicle make,
1125 model, color, registration number, and license tag number of any
1126 vehicles owned; fingerprints; palm prints; and photograph. A
1127 post office box shall not be provided in lieu of a physical
1128 residential address. The sexual offender must also produce his
1129 or her passport, if he or she has a passport, and, if he or she

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1130 is an alien, must produce or provide information about documents
1131 establishing his or her immigration status. The sexual offender
1132 must also provide information about any professional licenses he
1133 or she may have.

1134 2. If the sexual offender is enrolled, employed,
1135 volunteering, or carrying on a vocation at an institution of
1136 higher education in this state, the sexual offender shall also
1137 provide to the department the name, address, and county of each
1138 institution, including each campus attended, and the sexual
1139 offender's enrollment, volunteer, or employment status.

1140 3. If the sexual offender's place of residence is a motor
1141 vehicle, trailer, mobile home, or manufactured home, as defined
1142 in chapter 320, the sexual offender shall also provide the
1143 vehicle identification number; the license tag number; the
1144 registration number; and a description, including color scheme,
1145 of the motor vehicle, trailer, mobile home, or manufactured
1146 home. If the sexual offender's place of residence is a vessel,
1147 live-aboard vessel, or houseboat, as defined in chapter 327, the
1148 sexual offender shall also provide the hull identification
1149 number; the manufacturer's serial number; the name of the
1150 vessel, live-aboard vessel, or houseboat; the registration
1151 number; and a description, including color scheme, of the
1152 vessel, live-aboard vessel or houseboat.

1153 4. Any sexual offender who fails to report in person as
1154 required at the sheriff's office, ~~or~~ who fails to respond to any
1155 address verification correspondence from the department within 3
1156 weeks of the date of the correspondence, ~~or~~ who fails to report
1157 all electronic mail addresses or all Internet identifiers prior

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1158 to use or instant message names, or who knowingly provides false
1159 registration information by act or omission commits a felony of
1160 the third degree, punishable as provided in s. 775.082, s.
1161 775.083, or s. 775.084.