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# **Judiciary Committee**

**Wednesday, January 25, 2012**

**2:00 PM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**William Snyder  
Chair**

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

**Location:** 404 HOB

### Summary:

#### Judiciary Committee

Wednesday January 25, 2012 02:00 pm

CS/HB 31	Favorable	Yeas: 17	Nays: 0
CS/HB 135	Favorable With Committee Substitute Amendment 149335	Adopted Without Objection	Yeas: 17 Nays: 0
HB 215	Favorable	Yeas: 18	Nays: 0
CS/HB 385	Temporarily Deferred Amendment 043629	Not Considered	
	Amendment 212269	Not Considered	
	Amendment 519551	Not Considered	
CS/HB 483	Favorable	Yeas: 18	Nays: 0
HB 733	Favorable	Yeas: 18	Nays: 0
HB 917	Favorable	Yeas: 18	Nays: 0
HB 1355	Favorable With Committee Substitute Amendment 484159	Adopted Without Objection	Yeas: 18 Nays: 0

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

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		
<b>Totals:</b>	<b>18</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

Location: 404 HOB

### CS/HB 31 : Protest Activities

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### Appearances:

CS/HB 31

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

Location: 404 HOB

### CS/HB 135 : Costs of Prosecution, Investigation, and Representation

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				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

### CS/HB 135 Amendments

#### Amendment 149335

Adopted Without Objection

### Appearances:

CS/HB 135

Daniels, Nancy (State Employee) - Waive In Support  
Public Defender, 2nd circuit  
Leon County Courthouse 301 S Monroe Street  
Tallahassee FL 32301  
Phone: 850-606-1010

CS/HB 135

Hofheinz, Monica (Lobbyist) (State Employee) - Waive In Support  
Florida Prosecuting Attorneys Association  
201 SE 6th Street  
Ft. Lauderdale FL 33301  
Phone: 954-831-8543

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

**Location:** 404 HOB

**CS/HB 135 : Costs of Prosecution, Investigation, and Representation (continued)**

**Appearances: (continued)**

CS/HB 135

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 135 (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  
1.25.12*

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

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 903.286, Florida Statutes, is amended  
 7 to read:

8 903.286 Return of cash bond; requirement to withhold  
 9 unpaid fines, fees, court costs; cash bond forms.—

10 (1) Notwithstanding s. 903.31(2), the clerk of the court  
 11 shall withhold from the return of a cash bond posted on behalf  
 12 of a criminal defendant by a person other than a bail bond agent  
 13 licensed pursuant to chapter 648 sufficient funds to pay any  
 14 unpaid costs of prosecution, costs of representation as provided  
 15 by s. 27.52, court fees, court costs, and criminal penalties. If  
 16 sufficient funds are not available to pay all unpaid costs of  
 17 prosecution, costs of representation as provided by s. 27.52,  
 18 court fees, court costs, and criminal penalties, the clerk of  
 19 the court shall immediately obtain payment from the defendant or

Amendment No. 1

20 enroll the defendant in a payment plan pursuant to s. 28.246.

21 (2) All cash bond forms used in conjunction with the  
22 requirements of s. 903.09 must prominently display a notice  
23 explaining that all funds are subject to forfeiture and  
24 withholding by the clerk of the court for the payment of costs  
25 of prosecution, costs of representation as provided by s. 27.52,  
26 court fees, court costs, and criminal penalties on behalf of the  
27 criminal defendant regardless of who posted the funds.

28 Section 2. Subsection (6) of section 938.27, Florida  
29 Statutes, is amended to read:

30 938.27 Judgment for costs of prosecution and investigation  
31 on conviction.-

32 (6) The clerk of the court shall collect and dispense cost  
33 payments in any case regardless of whether the disposition of  
34 the case takes place before the judge in open court or in any  
35 other manner provided by law.

36 Section 3. Section 985.032, Florida Statutes, is amended  
37 to read:

38 985.032 Legal representation for delinquency cases.-

39 (1) For cases arising under this chapter, the state  
40 attorney shall represent the state.

41 (2) A juvenile who has been adjudicated delinquent or has  
42 adjudication of delinquency withheld shall be assessed costs of  
43 prosecution as provided in s. 938.27.

44 Section 4. 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:

An act relating to costs of prosecution, investigation, and representation; amending s. 903.286, F.S.; providing for the withholding of unpaid costs of prosecution and representation from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; amending s. 938.27, F.S.; clarifying the types of cases that are subject to the collection and dispensing of cost payments by the clerk of the court; amending s. 985.032, F.S.; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld; providing an effective date.

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

Location: 404 HOB

HB 215 : Video Voyeurism

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 215

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

Judiciary Committee

1/25/2012 2:00:00PM

**Location:** 404 HOB

**CS/HB 385 : Health Care**

*Temporarily Deferred*

## CS/HB 385 Amendments

**Amendment 043629**

*Not Considered*

**Amendment 212269**

*Not Considered*

**Amendment 519551**

*Not Considered*

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 385 (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 \_\_\_\_\_

*Not considered  
1-25-12*

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

4 **Amendment (with title amendment)**

5 Between lines 70 and 71, insert:

6 Section 2. Subsection (4) of section 766.102, Florida  
7 Statutes, is amended to read:

8 766.102 Medical negligence; standards of recovery; expert  
9 witness.—

10 (4) (a) The Legislature is cognizant of the changing trends  
11 and techniques for the delivery of health care in this state and  
12 the discretion that is inherent in the diagnosis, care, and  
13 treatment of patients by different health care providers. The  
14 failure of a health care provider to order, perform, or  
15 administer supplemental diagnostic tests is ~~shall~~ not be  
16 actionable if the health care provider acted in good faith and  
17 with due regard for the prevailing professional standard of  
18 care.

Amendment No. 1

19       (b) In an action for damages based on death or personal  
20 injury which alleges that such death or injury resulted from the  
21 failure of a health care provider to order, perform, or  
22 administer supplemental diagnostic tests, the claimant has the  
23 burden of proving by clear and convincing evidence that the  
24 alleged actions of the health care provider represented a breach  
25 of the prevailing professional standard of care.  
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30                   **T I T L E   A M E N D M E N T**

31       Remove line 3 and insert:  
32 findings and intent; amending s. 766.102, F.S.; establishing the  
33 burden of proof that a claimant must meet in certain damage  
34 claims against health care providers based on death or personal  
35 injury; amending s. 768.28, F.S.;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 385 (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 \_\_\_\_\_

*Not considered  
1.25.12*

Committee/Subcommittee hearing bill: Judiciary Committee

Representative Gaetz offered the following:

**Amendment (with title amendment)**

Between lines 70 and 71, insert:

Section 2. Paragraph (b) of subsection (6) of section 766.106, Florida Statutes, is amended to read:

766.106 Notice before filing action for medical negligence; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.-

(6) INFORMAL DISCOVERY.-

(b) Informal discovery may be used by a party to obtain unsworn statements, the production of documents or things, and physical and mental examinations, as follows:

1. Unsworn statements.-Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of presuit screening and are not discoverable or admissible in any civil action for any purpose by any party. A party desiring to take the unsworn

Amendment No. 2

20 statement of any party must give reasonable notice in writing to  
21 all parties. The notice must state the time and place for taking  
22 the statement and the name and address of the party to be  
23 examined. Unless otherwise impractical, the examination of any  
24 party must be done at the same time by all other parties. Any  
25 party may be represented by counsel at the taking of an unsworn  
26 statement. An unsworn statement may be recorded electronically,  
27 stenographically, or on videotape. The taking of unsworn  
28 statements is subject to the provisions of the Florida Rules of  
29 Civil Procedure and may be terminated for abuses.

30 2. Documents or things.—Any party may request discovery of  
31 documents or things. The documents or things must be produced,  
32 at the expense of the requesting party, within 20 days after the  
33 date of receipt of the request. A party is required to produce  
34 discoverable documents or things within that party's possession  
35 or control. Medical records shall be produced as provided in s.  
36 766.204.

37 3. Physical and mental examinations.—A prospective  
38 defendant may require an injured claimant to appear for  
39 examination by an appropriate health care provider. The  
40 prospective defendant shall give reasonable notice in writing to  
41 all parties as to the time and place for examination. Unless  
42 otherwise impractical, a claimant is required to submit to only  
43 one examination on behalf of all potential defendants. The  
44 practicality of a single examination must be determined by the  
45 nature of the claimant's condition, as it relates to the  
46 liability of each prospective defendant. Such examination report  
47 is available to the parties and their attorneys upon payment of

Amendment No. 2

48 the reasonable cost of reproduction and may be used only for the  
49 purpose of presuit screening. Otherwise, such examination report  
50 is confidential and exempt from the provisions of s. 119.07(1)  
51 and s. 24(a), Art. I of the State Constitution.

52 4. Written questions.—Any party may request answers to  
53 written questions, the number of which may not exceed 30,  
54 including subparts. A response must be made within 20 days after  
55 receipt of the questions.

56 5. Ex parte interviews of treating health care providers.—  
57 A prospective defendant or his or her legal representative may  
58 interview the claimant's treating health care providers without  
59 the presence of the claimant or the claimant's legal  
60 representative. A prospective defendant or his or her legal  
61 representative that intends to interview a claimant's health  
62 care providers must provide the claimant with notice of such  
63 intent at least 10 days prior to the interview.

64 6.5. Unsworn statements of treating health care providers  
65 ~~Medical information release.—The claimant must execute a medical~~  
66 ~~information release that allows~~ A prospective defendant or his  
67 or her legal representative may also ~~to~~ take unsworn statements  
68 of the claimant's treating health care providers ~~physicians~~. The  
69 statements must be limited to those areas that are potentially  
70 relevant to the claim of personal injury or wrongful death.  
71 Subject to the procedural requirements of subparagraph 1., a  
72 prospective defendant may take unsworn statements from a  
73 claimant's treating physicians. Reasonable notice and  
74 opportunity to be heard must be given to the claimant or the  
75 claimant's legal representative before taking unsworn



Amendment No. 2

76 statements. The claimant or claimant's legal representative has  
77 the right to attend the taking of such unsworn statements.

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**T I T L E   A M E N D M E N T**

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Remove line 3 and insert:

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findings and intent; amending s. 766.106, F.S.; allowing a

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prospective medical malpractice defendant to interview a

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claimant's treating health care providers without the presence

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of the claimant or the claimant's legal representative;

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requiring a prospective defendant to provide 10 days' notice

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before such interviews; authorizing a prospective defendant to

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take unsworn statements of a claimant's health care providers;

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amending s. 768.28, F.S.;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 385 (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 \_\_\_\_\_

*NOT considered  
1.25.12*

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

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4 **Amendment**

5 Remove line 148 and insert:

6 licensed under chapter 458, chapter 459, or chapter 461, or a  
7 dentist licensed under chapter 466.

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

Location: 404 HOB

CS/HB 483 : Uniform Commercial Code

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

### Appearances:

CS/HB 483

Siamkas, Kim (Lobbyist) - Waive In Support

Assistant Vice President of Government Affairs, Florida Bankers Association

1001 Thomasville Rd, Suite 201

Tallahassee FL 32302

Phone: 561-317-4704

CS/HB 483

Black, Greg (Lobbyist) - Waive In Support

Business Law Section of the Florida Bar

215 S Monroe Street, Suite 505

Tallahassee FL 32301

Phone: 850-205-9000

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

Location: 404 HOB

HB 733 : Probate

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 733

Edenfield, Martha (Lobbyist) - Waive In Support

Real Property, Probate & Trust Law Section

c/o The Florida Bar 651 E Jefferson St

Tallahassee FL 32399

Phone: (850)222-3533

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

Location: 404 HOB

### HB 917 : Jurisdiction of the Courts

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				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 917

Kocourek, Todd (General Public) - Waive In Support  
Past Chair, International Law Section of the Florida Bar  
1351 N Gadsden  
Tallahassee FL 32303  
Phone: 850-545-7125

HB 917

Perdue, Tamela (Lobbyist) - Waive In Support  
Associated Industries of Florida  
PO Box 784  
Tallahassee FL 32302  
Phone: (850)224-7173

HB 917

Reeves, Teye (Lobbyist) - Waive In Support  
Florida Chamber of Commerce  
136 S. Bronough Street  
Tallahassee FL  
Phone: 850-521-1235

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

**Location:** 404 HOB

**HB 917 : Jurisdiction of the Courts (continued)**

**Appearances: (continued)**

HB 917

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

1/25/2012 2:00:00PM

Location: 404 HOB

### HB 1355 : Protection of Vulnerable Persons

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				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

### HB 1355 Amendments

#### Amendment 484159

Adopted Without Objection

### Appearances:

HB 1355

Dritt, Jennifer (Lobbyist) - Proponent  
Florida Council Against Sexual Violence  
1820 E Park Avenue, Suite 100  
Tallahassee FL 32301  
Phone: 850-297-2000

HB 1355

Book, Ron (Lobbyist) - Proponent  
Lauren's Kids and FL Council Against Sexual Violence  
104 W. Jefferson  
Tallahassee FL 32301  
Phone: 850-224-3427

Committee meeting was reported out: Wednesday, January 25, 2012 5:06:12PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1355 (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  
1-25-12*

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

**Amendment (with title amendment)**

5 Remove lines 163-186 and insert:

6 Section 6. Subsection (3) is added to section 960.198,  
7 Florida Statutes, to read:

8 960.198 Relocation assistance for victims of domestic  
9 violence.--

10 (3) Relocation payments for a domestic violence claim  
11 shall be denied if the department has previously approved or  
12 paid out a sexual battery relocation claim under s. 960.199 to  
13 the same victim regarding the same incident.

14 Section 7. Section 960.199 Florida Statutes, is created to  
15 read:

16 960.199 Relocation assistance for victims of sexual  
17 battery.--

18 (1) The department may award a one-time payment of up to  
19 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a



Amendment No. 1

20 victim of sexual battery as defined in s. 794.011 who needs  
21 relocation assistance.

22 (2) In order for an award to be granted to a victim for  
23 relocation assistance:

24 (a) There must be proof that a sexual battery offense was  
25 committed;

26 (b) The sexual battery offense must be reported to the  
27 proper authorities;

28 (c) The victim's need for assistance must be certified by a  
29 certified rape crisis center in this state; and

30 (d) The center certification must assert that the victim is  
31 cooperating with law enforcement officials, if applicable, and  
32 must include documentation that the victim has developed a  
33 safety plan.

34 (e) The act of sexual battery must be committed in the  
35 victim's place of residence or in a location that would lead the  
36 victim to reasonably fear for his or her continued safety in the  
37 place of residence.

38 (3) Relocation payments for a sexual battery claim shall be  
39 denied if the department has previously approved or paid out a  
40 domestic violence relocation claim, under s. 960.198, to the  
41 same victim regarding the same incident.

42 Section 8. There is appropriated for state fiscal year  
43 2012-2013 to the Department of Legal Affairs/Attorney General  
44 the sum of \$1,500,000 in nonrecurring funds from the General  
45 Revenue Fund for the relocation of victims of sexual battery as  
46 provided in s. 960.199.

Amendment No. 1

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**T I T L E   A M E N D M E N T**

Remove lines 15-17 and insert:  
offenses involving minors; amending s. 960.198, F.S.; providing  
for denial of relocation payment for a domestic violence claim  
if the department has previously paid a sexual battery  
relocation claim to the same victim for the same incident;  
creating s. 960.199, F.S.; providing for relocation assistance  
payments to victims of sexual battery; providing criteria;  
providing an appropriation; providing an effective