



Justice Appropriations Subcommittee

Action Packet

**February 17, 2015
1:00 p.m. – 3:00 p.m.
Morris Hall**

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
2/17/2015 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

Justice Appropriations Subcommittee

Tuesday February 17, 2015 01:00 pm

CS/HB 5	Favorable With Committee Substitute	Yeas: 12	Nays: 1
	Amendment 087749 Adopted		
	Amendment 142985 Adopted		
	Amendment 152271 Adopted		
	Amendment 158505 Adopted		
	Amendment 847487 Adopted		
HB 115	Favorable	Yeas: 11	Nays: 0
HB 193	Favorable	Yeas: 11	Nays: 0

Committee meeting was reported out: Tuesday, February 17, 2015 3:13:05PM

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
2/17/2015 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

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

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2/17/15

Justice Approp Sub
CF Present

HB 115 HB 193
Y N Y N

~~Rep. Trump~~

2/17/15

Justice Approp Sub committee
CF Present

HB 115 HB 193
Y N Y N

~~Rep. Ritchett~~

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

2/17/2015 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 5 : Guardianship Proceedings

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Daniel Burgess, Jr.	X				
Eric Eisnaugle	X				
Chris Latvala	X				
Kionne McGhee	X				
Mike Miller	X				
Kathleen Peters	X				
Sharon Pritchett	X				
José Rodríguez	X				
Darryl Rouson		X			
Ross Spano	X				
Carlos Trujillo	X				
Larry Metz (Chair)	X				
Total Yeas: 12		Total Nays: 1			

CS/HB 5 Amendments

Amendment 087749

Adopted

Amendment 142985

Adopted

Amendment 152271

Adopted

Amendment 158505

Adopted

Amendment 847487

Adopted

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5 (2015)

Amendment No. 1

*Adopted
2/17/15*

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee
3 Representative Passidomo offered the following:
4

5 **Amendment (with title amendment)**

6 Remove line 112 and insert:

7 prevailing interested person.
8

9 -----
10 **T I T L E A M E N D M E N T**

11 Remove line 18 and insert:

12 the prevailing interested person; amending s. 744.3025, F.S.;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5 (2015)

Amendment No. 2

*Adopted
2/17/15*

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee

3 Representative Passidomo offered the following:

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

6 Between lines 154 and 155, insert:

7 Section 7. Paragraph (a) of subsection (1) of section
 8 744.309, Florida Statutes, is amended to read:

9 744.309 Who may be appointed guardian of a resident ward.--

10 (1) RESIDENT.--

11 (a) Any resident of this state who is sui juris and is 18
 12 years of age or older, or a business entity that has met the
 13 registration requirements in s. 744.1083, is qualified to act as
 14 guardian of a ward.

15
 16
 17 -----

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5 (2015)

Amendment No. 2

18
19
20
21

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

Between lines 27 and 28, insert:
amending s. 744.309, F.S.; providing that a business entity may
act as guardian of a person;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5 (2015)

Amendment No. 3

*Adopted
2/17/15*

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee

3 Representative Passidomo offered the following:

4

5 **Amendment**

6 Remove lines 200-215 and insert:

7 (4) The court may not give preference to the appointment
 8 of a person under subsection (2) solely based on the fact that
 9 such person was appointed by the court to serve as an emergency
 10 temporary guardian. This limitation shall only apply where an
 11 interested person objects to appointment of the emergency
 12 temporary guardian as a permanent guardian. This limitation
 13 shall not apply to a standby guardian or to a preneed guardian.

14 (5) Appointment of professional guardians by the court
 15 shall be on a rotating basis of professional guardians deemed
 16 qualified by the chief judge of the circuit. However, the court
 17 may appoint a professional guardian without reference to the

Amendment No. 3

18 rotation where the special requirements of the guardianship
19 demand that the court appoint a guardian with special talent or
20 specific prior experience. The court must make specific findings
21 of fact that justify a finding that there are special
22 requirements requiring an appointment without reference to the
23 rotation.

24 (6) An emergency temporary guardian who is a professional
25 guardian may not be appointed as the permanent guardian of a
26 ward. This limitation shall only apply where an interested
27 person objects to appointment of the emergency temporary
28 guardian as a permanent guardian. This limitation shall not
29 apply to a standby guardian or to a preneed guardian. The court
30 may waive this limitation only where the special requirements of
31 the guardianship demand that the court appoint that professional
32 guardian because he or she has special talent or specific prior
33 experience. The court must make specific findings of fact that
34 justify a finding that there are special requirements requiring
35 an appointment without reference to this limitation.

36

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5 (2015)

Amendment No. 4

*Adopted
2/17/15*

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee
3 Representative Passidomo offered the following:
4

Amendment

6 Remove line 280 and insert:

7 (c) If the petition is dismissed or denied:
8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 5 (2015)

Amendment No. 5

*Adopted
2/17/15*

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee

3 Representative Passidomo offered the following:

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

6 Remove lines 382-383 and insert:
7 harm to the ward.

8
9 Between lines 445 and 446, insert:

10 Section 16. Subsection (1) of section 744.3715, Florida
11 Statutes, is amended to read:

12 744.3715 Petition for interim judicial review.—

13 (1) At any time, any interested person, including the
14 ward, may petition the court for review alleging that the
15 guardian is not complying with the guardianship plan, ~~or~~ is
16 exceeding his or her authority under the guardianship plan, is
17 acting in manner contrary to s. 744.361, is denying visitation

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Amendment No. 5

18 | between the ward and his or her relatives in violation of s.
19 | 744.361(13), or ~~and the guardian~~ is not acting in the best
20 | interest of the ward. The petition for review must state the
21 | nature of the objection to the guardian's action or proposed
22 | action. Upon the filing of any such petition, the court shall
23 | review the petition and act upon it expeditiously.

24 |

25 | -----

26 |

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

27 |

Between lines 56 and 57, insert:

28 |

amending s. 744.3715, F.S.; providing that an interested party

29 |

may petition the court regarding a guardian's failure to comply

30 |

with the duties of a guardian;

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

2/17/2015 1:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 5 : Guardianship Proceedings (continued)

Appearances:

Cherry, Bryan (Lobbyist) (General Public) - Waive In Support
Aging Solutions, Inc.
Associate
205 S. Adams Street
Tallahassee FL 32301
Phone: 850-205-0885

Smith, Sylvia (Lobbyist) (General Public) - Proponent
Disability Rights Foundations
Director of Public Policy
2728 Centerview Dr.
Tallahassee FL 32301
Phone: 850-322-2258

McKeon, MaryLou (General Public) - Opponent
Florida State Guardianship Assoc.
62 Seawinds Circle
Ponce Inlet FL 32127
Phone: 386-299-8082

Cantwell, Laura (Lobbyist) (General Public) - Waive In Support
AARP
Associate State Director
200 W. College Av. St. 304
Tallahassee FL 32301
Phone: 850-570-2110

Reese, Robert (General Public) - Opponent
Florida State Guardianship Assoc.
Area Director, FSGA
216 South 3rd Street
Flagler Beach FL 32136
Phone: 386-503-4370

Getty, Jetta (General Public) - Opponent
Florida State Guardianship Assoc.
NCG-CG
1238 Jeffery Drive
Port Orange FL 32129
Phone: 386-763-0030

Liska, Lynne (General Public) - Information Only
Guardian
Professional Guardian
P.O.Box 3603
Tallahassee FL 32315
Phone: 850-980-7559

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COMMITTEE MEETING REPORT
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2/17/2015 1:00:00PM

Location: Morris Hall (17 HOB)

HB 115 : Sentencing

Favorable

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

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COMMITTEE MEETING REPORT
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2/17/2015 1:00:00PM

Location: Morris Hall (17 HOB)

HB 193 : Crime Stoppers Trust Fund

Favorable

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

Appearances:

Sheriff Prummell (General Public) - Waive In Support
 Florida Sheriffs Assoc.
 Sheriff Charlotte County

Archer, Phil (General Public) - Waive In Support
 State Attorney, 18th Circuit
 State Attorney
 2725 Judge Fran Jamieson Way
 Viera Fl
 Phone: 321-637-5575

Marinto, Deborah - Proponent
 The Florida Association of Crime Stoppers
 Crime Stoppers Coordinator
 P.O.Box 416
 Largo Fl 33779
 Phone: 727-348-1659

Youmans, Laura (Lobbyist) - Waive In Support
 Florida Assoc. of Counties
 Legislative Advocate
 100 N. Monroe
 Tallahassee Fl
 Phone: 850-294-1838

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Location: Morris Hall (17 HOB)

Presentation/Workshop/Other Business Appearances:

DOC/FDLE

Jones, Julie (State Employee) - Information Only
Department of Corrections
Secretary
501 S Calhoun Street
Tallahassee FL 32399
Phone: 850-717-3030

DOC/FDLE

Pritt, Jennifer (At Request Of Chair) - Information Only
FDLE
Assistant Commissioner
Tallahassee FL

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