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# **Safety & Security Council**

**Tuesday, April 1, 2008  
10:15 a.m. – 12:15 p.m.  
102 House Office Building, Reed Hall**

# **ACTION PACKET**

**Marco Rubio  
Speaker**

**Dick Kravitz  
Chair**

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

**Location:** Reed Hall (102 HOB)

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dick Kravitz (Chair)	X		
Sandra Adams	X		
James Frishe	X		
Luis Garcia	X		
Audrey Gibson	X		
Dorothy Hukill	X		
Kurt Kelly	X		
Marcelo Llorente	X		
Mitch Needelman	X		
Juan-Carlos Planas	X		
Dennis Ross	X		
Maria Sachs	X		
William Snyder	X		
Priscilla Taylor	X		
Nicholas Thompson	X		
Perry Thurston	X		
<b>Totals:</b>	<b>16</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

**Location:** Reed Hall (102 HOB)

**HB 209 : Service of Process**

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 209

Tim Coughlin, lieutenant (General Public) - Proponent

Sheriff's

2825 Municipal Way

Tallahassee FL 32304

Phone: 850-922-3442

HB 209

Lisa Henning, Legislative Affairs Director (Lobbyist) - Proponent

Fraternal Order of Police

242 Office Plaza

Tallahassee FL 32301

Phone: 850-656-9881

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Bill No. **HB 209**

COUNCIL/COMMITTEE ACTION

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WITHDRAWN	___	(Y/N)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

*favourable  
4.1.08*

1 Council/Committee hearing bill: Safety & Security Council  
 2 Representative Seiler offered the following:

3  
 4 **Substitute Amendment for Amendments (No. 1, No. 2, & No.3)**  
 5 **by Representative Richardson (with title amendments)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) of section 48.021, Florida  
 8 Statutes, is amended to read:

9 48.021 Process; by whom served.--

10 (1) All process shall be served by the sheriff of the  
 11 county where the person to be served is found, except initial  
 12 nonenforceable civil process, criminal witness subpoenas, and  
 13 criminal summonses may be served by a special process server  
 14 appointed by the sheriff as provided for in this section or by a  
 15 certified process server as provided for in ss. 48.25-48.31.  
 16 Civil witness subpoenas may be served by any person authorized  
 17 by rules of civil procedure.

18 Section 2. Subsection (2) of section 48.27, Florida  
 19 Statutes, is amended to read:

20 48.27 Certified process servers.--

21 (2) (a) The addition of a person's name to the list  
 22 authorizes him or her to serve initial nonenforceable civil



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23 process on a person found within the circuit where the process  
24 server is certified when a civil action has been filed against  
25 such person in the circuit court or in a county court in the  
26 state. Upon filing an action in circuit or county court, a  
27 person may select from the list for the circuit where the  
28 process is to be served one or more certified process servers to  
29 serve initial nonenforceable civil process.

30 (b) The addition of a person's name to the list authorizes  
31 him or her to serve criminal witness subpoenas and criminal  
32 summonses on a person found within the circuit where the process  
33 server is certified. The state in any proceeding or  
34 investigation by a grand jury or any party in a criminal action,  
35 prosecution, or proceeding may select from the list for the  
36 circuit where the process is to be served one or more certified  
37 process servers to serve the subpoena or summons.

38 Section 3. Subsection (2) of section 56.041, Florida  
39 Statutes, is amended to read:

40 56.041 Executions; collection and return.--

41 (2) All unsatisfied executions in the hands of the sheriff  
42 docketed before October 1, 2001, or 20 years after the date of  
43 issuance of final judgment upon which the execution was issued  
44 may be returned<sub>7</sub> to the court issuing the execution, ~~20 years~~  
45 ~~after the date of issuance of final judgment upon which the~~  
46 ~~execution was issued.~~ Upon such return, the clerk of the court  
47 of issuance shall provide a receipt<sub>7</sub> to the sheriff submitting  
48 the return<sub>7</sub> acknowledging the return of the unsatisfied  
49 execution.

50 Section 4. Section 56.21, Florida Statutes, is amended to  
51 read:

52 56.21 Execution sales; notice.--Notice of all sales under  
53 execution shall be given by advertisement once each week for 4

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

54 successive weeks in a newspaper published in the county in which  
55 the sale is to take place. The time of such notice may be  
56 shortened in the discretion of the court from which the  
57 execution issued, upon affidavit that the property to be sold is  
58 subject to decay and will not sell for its full value if held  
59 until date of sale. On or before the date of the first  
60 publication or posting of the notice of sale, a copy of the  
61 notice of sale shall be furnished by the sheriff by certified  
62 mail to the attorney of record of the judgment debtor, or to the  
63 judgment debtor at the judgment debtor's last known address if  
64 the judgment debtor does not have an attorney of record. Such  
65 copy of the notice of sale shall be mailed even though a default  
66 judgment was entered. When levying upon real or personal  
67 property, a notice of such levy and execution sale and a copy of  
68 the affidavit required by s. 56.27(4) shall be sent by the  
69 sheriff to the attorneys of record of all judgment creditors, or  
70 to all judgment creditors who do not have an attorney of record,  
71 who have acquired a judgment lien as provided in s. 55.10(1) and  
72 (2), s. 55.202, or s. 55.204(3), and whose liens have not lapsed  
73 at the time of levy, at the address listed in the judgment lien  
74 certificate, or, if amended, in any amendment to the judgment  
75 lien certificate, and to all secured creditors who have filed  
76 financing statements as provided in part V of chapter 679 in the  
77 name of the judgment debtor reflecting a security interest in  
78 property of the kind to be sold at the execution sale at the  
79 address listed in the financing statement, or, if amended, in  
80 any amendment to the financing statement. Such notice shall be  
81 made in the same manner as notice is made to any judgment debtor  
82 under this section. When levying upon real property, notice of  
83 such levy and execution sale and affidavit required by s.  
84 56.27(4) shall be made to the property owner of record in the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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85 same manner as notice is made to any judgment debtor pursuant to  
86 this section. When selling real or personal property, the sale  
87 date shall not be earlier than 30 days after the date of the  
88 first advertisement.

89 Section 5. Subsections (1), (2), and (4) of section 56.27,  
90 Florida Statutes, are amended to read:

91 56.27 Executions; payment of money collected.--

92 (1) All money received under executions shall be paid, in  
93 the order prescribed, to the following: the sheriff, for costs;  
94 the levying creditor in the amount of \$500 as liquidated  
95 expenses; ~~and if the levy is upon real property, the first~~  
96 ~~priority lienholder under s. 55.10(1) and (2), s. 55.10; and if~~  
97 ~~the levy is upon personal property, the first priority~~  
98 ~~lienholder under s. 55.202, s. 55.204(3), or s. 55.208(2), as~~  
99 set forth in an affidavit required by subsection (4), or his or  
100 her attorney, in satisfaction of the judgment lien, if provided  
101 ~~that~~ the judgment lien has not lapsed at the time of the levy.  
102 The receipt of the attorney shall be a release of the officer  
103 paying the money to him or her. If ~~When~~ the name of more than  
104 one attorney appears in the court file, the money shall be paid  
105 to the attorney who originally commenced the action or who made  
106 the original defense unless the file shows that another attorney  
107 has been substituted.

108 (2) If ~~When~~ property sold under execution brings more than  
109 the amount needed to satisfy the provisions of subsection (1),  
110 the surplus shall be paid in the order of priority to any  
111 judgment lienholders whose judgment liens have not lapsed. For  
112 the purpose of the sheriff's distribution of the surplus to  
113 judgment lienholders under this subsection:

114 (a) Priority of liens on personal property shall be based  
115 on the effective date of the judgment lien acquired under s.

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116 55.202, s. 55.204(3), or s. 55.208(2), as set forth in an  
117 affidavit required under subsection (4).

118 (b) Priority of liens on real property shall be based on  
119 the effective date of the judgment lien acquired under s.  
120 55.10(1) and (2), as set forth in an affidavit required under  
121 subsection (4).

122

123 If there is a surplus after all valid judgment liens and  
124 execution liens have been satisfied, the surplus must be paid to  
125 the owner of the property sold defendant.

126 (4) Before the date of the first publication or posting of  
127 the notice of sale provided for under s. 56.21, at the time of  
128 the levy request to the sheriff, the levying creditor shall  
129 deliver to the sheriff an affidavit setting forth all of the  
130 following as to the judgment debtor:

131 (a) For a personal property levy, an attestation by that  
132 the levying creditor or the creditor's attorney of record that  
133 he or she has reviewed the database or judgment lien records  
134 established in accordance with ss. 55.201-55.209 and that the  
135 information contained in the affidavit based on that review is  
136 true and correct. For real property levy in accordance with s.  
137 55.10(1) and (2), an attestation by the levying creditor or his  
138 or her attorney of record that he or she has reviewed the  
139 records of the clerk of court of the county where the property  
140 is situated, or that he or she has performed a title search, and  
141 that the information contained in the affidavit based on that  
142 review or title search is true and correct.‡

143 (b) The information required under s. 55.203(1) and (2)  
144 for each judgment lien certificate indexed under the name of the  
145 judgment debtor as to each judgment creditor; the file number  
146 assigned to the record of the original and, if any, the second

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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147 judgment lien; and the date of filing for each judgment lien  
148 certificate under s. 55.202 or s. 55.204(3). For real property,  
149 the information contained in the certified copy of recordation  
150 of lien pursuant to s. 55.10(1) and (2) for each lien recorded  
151 on real property. ~~and~~

152 (c) A statement that the levying creditor either does not  
153 have any other levy in process or, if another levy is in  
154 process, the levying creditor believes in good faith that the  
155 total value of the property under execution does not exceed the  
156 amount of outstanding judgments.

157 Section 6. Paragraph (a) of subsection (8) of section  
158 741.30, Florida Statutes, is amended to read:

159 741.30 Domestic violence; injunction; powers and duties of  
160 court and clerk; petition; notice and hearing; temporary  
161 injunction; issuance of injunction; statewide verification  
162 system; enforcement.--

163 (8) (a) 1. The clerk of the court shall furnish a copy of  
164 the petition, financial affidavit, Uniform Child Custody  
165 Jurisdiction and Enforcement Act affidavit, if any, notice of  
166 hearing; and temporary injunction, if any, to the sheriff or a  
167 law enforcement agency of the county where the respondent  
168 resides or can be found, who shall serve it upon the respondent  
169 as soon thereafter as possible on any day of the week and at any  
170 time of the day or night. When requested by the sheriff, the  
171 clerk of court may transmit a facsimile copy of an injunction  
172 that has been certified by the clerk of court, and this  
173 facsimile copy may be served in the same manner as a certified  
174 copy. Upon receiving a facsimile copy, the sheriff must verify  
175 receipt with the sender before attempting to serve it upon the  
176 respondent. In addition, if the sheriff is in possession of an  
177 injunction for protection that has been certified by the clerk

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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178 of court, the sheriff may transmit a facsimile copy of that  
179 injunction to a law enforcement officer who shall serve it in  
180 the same manner as a certified copy. The clerk of the court  
181 shall be responsible for furnishing to the sheriff such  
182 information on the respondent's physical description and  
183 location as is required by the department to comply with the  
184 verification procedures set forth in this section.  
185 Notwithstanding any other provision of law to the contrary, the  
186 chief judge of each circuit, in consultation with the  
187 appropriate sheriff, may authorize a law enforcement agency  
188 within the jurisdiction to effect service. A law enforcement  
189 agency serving injunctions pursuant to this section shall use  
190 service and verification procedures consistent with those of the  
191 sheriff.

192       2. When an injunction is issued, if the petitioner  
193 requests the assistance of a law enforcement agency, the court  
194 may order that an officer from the appropriate law enforcement  
195 agency accompany the petitioner and assist in placing the  
196 petitioner in possession of the dwelling or residence, or  
197 otherwise assist in the execution or service of the injunction.  
198 A law enforcement officer shall accept a copy of an injunction  
199 for protection against domestic violence, certified by the clerk  
200 of the court, from the petitioner and immediately serve it upon  
201 a respondent who has been located but not yet served.

202       3. All orders issued, changed, continued, extended, or  
203 vacated subsequent to the original service of documents  
204 enumerated under subparagraph 1., shall be certified by the  
205 clerk of the court and delivered to the parties at the time of  
206 the entry of the order. The parties may acknowledge receipt of  
207 such order in writing on the face of the original order. In the  
208 event a party fails or refuses to acknowledge the receipt of a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

209 certified copy of an order, the clerk shall note on the original  
210 order that service was effected. If delivery at the hearing is  
211 not possible, the clerk shall mail certified copies of the order  
212 to the parties at the last known address of each party. Service  
213 by mail is complete upon mailing. When an order is served  
214 pursuant to this subsection, the clerk shall prepare a written  
215 certification to be placed in the court file specifying the  
216 time, date, and method of service and shall notify the sheriff.  
217

218 If the respondent has been served previously with the temporary  
219 injunction and has failed to appear at the initial hearing on  
220 the temporary injunction, any subsequent petition for injunction  
221 seeking an extension of time may be served on the respondent by  
222 the clerk of the court by certified mail in lieu of personal  
223 service by a law enforcement officer.

224 Section 7. Paragraph (a) of subsection (8) of section  
225 784.046, Florida Statutes, is amended to read:

226 784.046 Action by victim of repeat violence, sexual  
227 violence, or dating violence for protective injunction; powers  
228 and duties of court and clerk of court; filing and form of  
229 petition; notice and hearing; temporary injunction; issuance;  
230 statewide verification system; enforcement.--

231 (8)(a)1. The clerk of the court shall furnish a copy of  
232 the petition, notice of hearing, and temporary injunction, if  
233 any, to the sheriff or a law enforcement agency of the county  
234 where the respondent resides or can be found, who shall serve it  
235 upon the respondent as soon thereafter as possible on any day of  
236 the week and at any time of the day or night. When requested by  
237 the sheriff, the clerk of court may transmit a facsimile copy of  
238 an injunction that has been certified by the clerk of court, and  
239 this facsimile copy may be served in the same manner as a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

240 certified copy. Upon receiving a facsimile copy, the sheriff  
241 must verify receipt with the sender before attempting to serve  
242 it upon the respondent. In addition, if the sheriff is in  
243 possession of an injunction for protection that has been  
244 certified by the clerk of court, the sheriff may transmit a  
245 facsimile copy of that injunction to a law enforcement officer  
246 who shall serve it in the same manner as a certified copy. The  
247 clerk of the court shall be responsible for furnishing to the  
248 sheriff such information on the respondent's physical  
249 description and location as is required by the department to  
250 comply with the verification procedures set forth in this  
251 section. Notwithstanding any other provision of law to the  
252 contrary, the chief judge of each circuit, in consultation with  
253 the appropriate sheriff, may authorize a law enforcement agency  
254 within the chief judge's jurisdiction to effect this type of  
255 service and to receive a portion of the service fee. No person  
256 shall be authorized or permitted to serve or execute an  
257 injunction issued under this section unless the person is a law  
258 enforcement officer as defined in chapter 943.

259       2. When an injunction is issued, if the petitioner  
260 requests the assistance of a law enforcement agency, the court  
261 may order that an officer from the appropriate law enforcement  
262 agency accompany the petitioner and assist in the execution or  
263 service of the injunction. A law enforcement officer shall  
264 accept a copy of an injunction for protection against repeat  
265 violence, sexual violence, or dating violence, certified by the  
266 clerk of the court, from the petitioner and immediately serve it  
267 upon a respondent who has been located but not yet served.

268       Section 8. This act shall take effect July 1, 2008.  
269  
270



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

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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 service of process; amending s. 48.021, F.S.; providing that criminal witness subpoenas and criminal summonses may be served by a special process server appointed by the local sheriff or by a certified process server; amending s. 48.27, F.S., to conform; providing for selection of authorized certified process servers to serve such subpoenas and summonses; amending s. 56.041, F.S.; providing that all unsatisfied executions in the possession of the sheriff docketed before October 1, 2001, may be returned to the issuing court; amending s. 56.21, F.S.; requiring the submission of an affidavit before levying a judgment upon real property; requiring the sheriff to furnish to the judgment debtor or the debtor's attorney of record a copy of the notice of sale, notice of levy, and affidavit within a specified period before execution of a sale or levy; amending s. 56.27, F.S.; requiring that priority of liens on real property be based on the effective date of the judgment lien for a specified purpose; requiring a levying creditor to deliver to the sheriff at the time of the levy request an affidavit setting forth certain information and attestations; amending ss. 741.30 and 784.046, F.S., relating to service of process in cases of domestic violence or sexual abuse; authorizing clerks of court to transmit facsimile copies of previously certified injunctions to sheriffs upon request; requiring sheriffs to verify receipt of facsimile copies of injunctions with clerks of court before attempting service; authorizing law enforcement officers to serve facsimile copies of injunctions in the same manner as certified copies; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. **HB 209**

COUNCIL/COMMITTEE ACTION

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

*Withdrawn  
4-1-08*

Council/Committee hearing bill: Safety & Security Council  
Representative Seiler offered the following:

**Substitute Amendment for Amendments (No. 1, No. 2, & No.3)  
by Representative Richardson (with title amendments)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (4) of section 30.231,  
Florida Statutes, are amended to read:

30.231 Sheriffs' fees for service of summons, subpoenas,  
and executions.--

(1) The sheriffs of all counties of the state in civil  
cases shall charge fixed, nonrefundable fees for docketing and  
service of process, according to the following schedule:

(a) All summons or writs except executions: \$40 ~~\$20~~ for  
each summons or writ to be served, except when more than one  
summons or writ is issued at the same time out of the same cause  
of action to be served upon one person or defendant at the same  
time, in which case the sheriff shall be entitled to one fee.

(b) All writs except executions requiring a levy or  
seizure of property: \$50 in addition to the \$40 ~~\$20~~ fee as  
stated in paragraph (a).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

22 (c) Witness subpoenas: \$40 ~~\$20~~ for each witness to be  
23 served.

24 (d) Executions:

25 1. Forty ~~Twenty~~ dollars for docketing and indexing each  
26 writ of execution, regardless of the number of persons involved.

27 2. Fifty dollars for each levy.

28 a. A levy is considered made when any property or any  
29 portion of the property listed or unlisted in the instructions  
30 for levy is seized, or upon demand of the sheriff the writ is  
31 satisfied by the defendant in lieu of seizure. Seizure requires  
32 that the sheriff take actual possession, if practicable, or,  
33 alternatively, constructive possession of the property by order  
34 of the court.

35 b. When the instructions are for levy upon real property,  
36 a levy fee is required for each parcel described in the  
37 instructions.

38 c. When the instructions are for levy based upon personal  
39 property, one fee is allowed, unless the property is seized at  
40 different locations, conditional upon all of the items being  
41 advertised collectively and the sale being held at a single  
42 location. However, if the property seized cannot be sold at one  
43 location during the same sale as advertised, but requires  
44 separate sales at different locations, the sheriff is then  
45 authorized to impose a levy fee for the property and sale at  
46 each location.

47 3. Forty ~~Twenty~~ dollars for advertisement of sale under  
48 process.

49 4. Forty ~~Twenty~~ dollars for each sale under process.

50 5. Forty ~~Twenty~~ dollars for each deed, bill of sale, or  
51 satisfaction of judgment.

52

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

53 Fees under this subsection chargeable to the State of Florida or  
54 its agencies shall be those fees that were effective under this  
55 subsection on June 30, 2008.

56 (4) All fees collected under paragraphs (1)(a), (b), (c),  
57 and (d) shall be nonrefundable and shall be earned when each  
58 original request or service of process is made, ~~and no~~  
59 ~~additional fees shall be required for alias and pluries~~  
60 ~~documents when service was not effected on the original document~~  
61 ~~in that county by that sheriff.~~

62 Section 2. Subsection (1) of section 48.021, Florida  
63 Statutes, is amended to read:

64 48.021 Process; by whom served.--

65 (1) All process shall be served by the sheriff of the  
66 county where the person to be served is found, except initial  
67 nonenforceable civil process, criminal witness subpoenas, and  
68 criminal summonses may be served by a special process server  
69 appointed by the sheriff as provided for in this section or by a  
70 certified process server as provided for in ss. 48.25-48.31.  
71 Civil witness subpoenas may be served by any person authorized  
72 by rules of civil procedure.

73 Section 3. Subsection (2) of section 48.27, Florida  
74 Statutes, is amended to read:

75 48.27 Certified process servers.--

76 (2)(a) The addition of a person's name to the list  
77 authorizes him or her to serve initial nonenforceable civil  
78 process on a person found within the circuit where the process  
79 server is certified when a civil action has been filed against  
80 such person in the circuit court or in a county court in the  
81 state. Upon filing an action in circuit or county court, a  
82 person may select from the list for the circuit where the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

83 process is to be served one or more certified process servers to  
84 serve initial nonenforceable civil process.

85 (b) The addition of a person's name to the list authorizes  
86 him or her to serve criminal witness subpoenas and criminal  
87 summonses on a person found within the circuit where the process  
88 server is certified. The state in any proceeding or  
89 investigation by a grand jury or any party in a criminal action,  
90 prosecution, or proceeding may select from the list for the  
91 circuit where the process is to be served one or more certified  
92 process servers to serve the subpoena or summons.

93 Section 4. Subsection (2) of section 56.041, Florida  
94 Statutes, is amended to read:

95 56.041 Executions; collection and return.--

96 (2) All unsatisfied executions in the hands of the sheriff  
97 docketed before October 1, 2001, or 20 years after the date of  
98 issuance of final judgment upon which the execution was issued  
99 may be returned, to the court issuing the execution, ~~20 years~~  
100 ~~after the date of issuance of final judgment upon which the~~  
101 ~~execution was issued.~~ Upon such return, the clerk of the court  
102 of issuance shall provide a receipt, to the sheriff submitting  
103 the return, acknowledging the return of the unsatisfied  
104 execution.

105 Section 5. Section 56.21, Florida Statutes, is amended to  
106 read:

107 56.21 Execution sales; notice.--Notice of all sales under  
108 execution shall be given by advertisement once each week for 4  
109 successive weeks in a newspaper published in the county in which  
110 the sale is to take place. The time of such notice may be  
111 shortened in the discretion of the court from which the  
112 execution issued, upon affidavit that the property to be sold is  
113 subject to decay and will not sell for its full value if held

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

114 until date of sale. On or before the date of the first  
115 publication or posting of the notice of sale, a copy of the  
116 notice of sale shall be furnished by the sheriff by certified  
117 mail to the attorney of record of the judgment debtor, or to the  
118 judgment debtor at the judgment debtor's last known address if  
119 the judgment debtor does not have an attorney of record. Such  
120 copy of the notice of sale shall be mailed even though a default  
121 judgment was entered. When levying upon real or personal  
122 property, a notice of such levy and execution sale and a copy of  
123 the affidavit required by s. 56.27(4) shall be sent by the  
124 sheriff to the attorneys of record of all judgment creditors, or  
125 to all judgment creditors who do not have an attorney of record,  
126 who have acquired a judgment lien as provided in s. 55.10(1) and  
127 (2), s. 55.202, or s. 55.204(3), and whose liens have not lapsed  
128 at the time of levy, at the address listed in the judgment lien  
129 certificate, or, if amended, in any amendment to the judgment  
130 lien certificate, and to all secured creditors who have filed  
131 financing statements as provided in part V of chapter 679 in the  
132 name of the judgment debtor reflecting a security interest in  
133 property of the kind to be sold at the execution sale at the  
134 address listed in the financing statement, or, if amended, in  
135 any amendment to the financing statement. Such notice shall be  
136 made in the same manner as notice is made to any judgment debtor  
137 under this section. When levying upon real property, notice of  
138 such levy and execution sale and affidavit required by s.  
139 56.27(4) shall be made to the property owner of record in the  
140 same manner as notice is made to any judgment debtor pursuant to  
141 this section. When selling real or personal property, the sale  
142 date shall not be earlier than 30 days after the date of the  
143 first advertisement.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

144 Section 6. Subsections (1), (2), and (4) of section 56.27,  
145 Florida Statutes, are amended to read:

146 56.27 Executions; payment of money collected.--

147 (1) All money received under executions shall be paid, in  
148 the order prescribed, to the following: the sheriff, for costs;  
149 the levying creditor in the amount of \$500 as liquidated  
150 expenses; ~~and if the levy is upon real property, the first~~  
151 ~~priority lienholder under s. 55.10(1) and (2), s. 55.10; and if~~  
152 ~~the levy is upon personal property, the first priority~~  
153 ~~lienholder under s. 55.202, s. 55.204(3), or s. 55.208(2), as~~  
154 set forth in an affidavit required by subsection (4), or his or  
155 her attorney, in satisfaction of the judgment lien, if provided  
156 ~~that~~ the judgment lien has not lapsed at the time of the levy.  
157 The receipt of the attorney shall be a release of the officer  
158 paying the money to him or her. If ~~When~~ the name of more than  
159 one attorney appears in the court file, the money shall be paid  
160 to the attorney who originally commenced the action or who made  
161 the original defense unless the file shows that another attorney  
162 has been substituted.

163 (2) If ~~When~~ property sold under execution brings more than  
164 the amount needed to satisfy the provisions of subsection (1),  
165 the surplus shall be paid in the order of priority to any  
166 judgment lienholders whose judgment liens have not lapsed. For  
167 the purpose of the sheriff's distribution of the surplus to  
168 judgment lienholders under this subsection:

169 (a) Priority of liens on personal property shall be based  
170 on the effective date of the judgment lien acquired under s.  
171 55.202, s. 55.204(3), or s. 55.208(2), as set forth in an  
172 affidavit required under subsection (4).

173 (b) Priority of liens on real property shall be based on  
174 the effective date of the judgment lien acquired under s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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175 55.10(1) and (2), as set forth in an affidavit required under  
176 subsection (4).

177

178 If there is a surplus after all valid judgment liens and  
179 execution liens have been satisfied, the surplus must be paid to  
180 the owner of the property sold defendant.

181 (4) Before the date of the first publication or posting of  
182 the notice of sale provided for under s. 56.21, at the time of  
183 the levy request to the sheriff, the levying creditor shall  
184 deliver to the sheriff an affidavit setting forth all of the  
185 following as to the judgment debtor:

186 (a) For a personal property levy, an attestation by that  
187 the levying creditor or the creditor's attorney of record that  
188 he or she has reviewed the database or judgment lien records  
189 established in accordance with ss. 55.201-55.209 and that the  
190 information contained in the affidavit based on that review is  
191 true and correct. For real property levy in accordance with s.  
192 55.10(1) and (2), an attestation by the levying creditor or his  
193 or her attorney of record that he or she has reviewed the  
194 records of the clerk of court of the county where the property  
195 is situated, or that he or she has performed a title search, and  
196 that the information contained in the affidavit based on that  
197 review or title search is true and correct.†

198 (b) The information required under s. 55.203(1) and (2)  
199 for each judgment lien certificate indexed under the name of the  
200 judgment debtor as to each judgment creditor; the file number  
201 assigned to the record of the original and, if any, the second  
202 judgment lien; and the date of filing for each judgment lien  
203 certificate under s. 55.202 or s. 55.204(3). For real property,  
204 the information contained in the certified copy of recordation



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

205 of lien pursuant to s. 55.10(1) and (2) for each lien recorded  
206 on real property. ~~and~~

207 (c) A statement that the levying creditor either does not  
208 have any other levy in process or, if another levy is in  
209 process, the levying creditor believes in good faith that the  
210 total value of the property under execution does not exceed the  
211 amount of outstanding judgments.

212 Section 7. Paragraph (a) of subsection (8) of section  
213 741.30, Florida Statutes, is amended to read:

214 741.30 Domestic violence; injunction; powers and duties of  
215 court and clerk; petition; notice and hearing; temporary  
216 injunction; issuance of injunction; statewide verification  
217 system; enforcement.--

218 (8) (a) 1. The clerk of the court shall furnish a copy of  
219 the petition, financial affidavit, Uniform Child Custody  
220 Jurisdiction and Enforcement Act affidavit, if any, notice of  
221 hearing, and temporary injunction, if any, to the sheriff or a  
222 law enforcement agency of the county where the respondent  
223 resides or can be found, who shall serve it upon the respondent  
224 as soon thereafter as possible on any day of the week and at any  
225 time of the day or night. When requested by the sheriff, the  
226 clerk of court may transmit a facsimile copy of an injunction  
227 that has been certified by the clerk of court, and this  
228 facsimile copy may be served in the same manner as a certified  
229 copy. Upon receiving a facsimile copy, the sheriff must verify  
230 receipt with the sender before attempting to serve it upon the  
231 respondent. In addition, if the sheriff is in possession of an  
232 injunction for protection that has been certified by the clerk  
233 of court, the sheriff may transmit a facsimile copy of that  
234 injunction to a law enforcement officer who shall serve it in  
235 the same manner as a certified copy. The clerk of the court

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

236 shall be responsible for furnishing to the sheriff such  
237 information on the respondent's physical description and  
238 location as is required by the department to comply with the  
239 verification procedures set forth in this section.  
240 Notwithstanding any other provision of law to the contrary, the  
241 chief judge of each circuit, in consultation with the  
242 appropriate sheriff, may authorize a law enforcement agency  
243 within the jurisdiction to effect service. A law enforcement  
244 agency serving injunctions pursuant to this section shall use  
245 service and verification procedures consistent with those of the  
246 sheriff.

247         2. When an injunction is issued, if the petitioner  
248 requests the assistance of a law enforcement agency, the court  
249 may order that an officer from the appropriate law enforcement  
250 agency accompany the petitioner and assist in placing the  
251 petitioner in possession of the dwelling or residence, or  
252 otherwise assist in the execution or service of the injunction.  
253 A law enforcement officer shall accept a copy of an injunction  
254 for protection against domestic violence, certified by the clerk  
255 of the court, from the petitioner and immediately serve it upon  
256 a respondent who has been located but not yet served.

257         3. All orders issued, changed, continued, extended, or  
258 vacated subsequent to the original service of documents  
259 enumerated under subparagraph 1., shall be certified by the  
260 clerk of the court and delivered to the parties at the time of  
261 the entry of the order. The parties may acknowledge receipt of  
262 such order in writing on the face of the original order. In the  
263 event a party fails or refuses to acknowledge the receipt of a  
264 certified copy of an order, the clerk shall note on the original  
265 order that service was effected. If delivery at the hearing is  
266 not possible, the clerk shall mail certified copies of the order

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

267 to the parties at the last known address of each party. Service  
268 by mail is complete upon mailing. When an order is served  
269 pursuant to this subsection, the clerk shall prepare a written  
270 certification to be placed in the court file specifying the  
271 time, date, and method of service and shall notify the sheriff.  
272

273 If the respondent has been served previously with the temporary  
274 injunction and has failed to appear at the initial hearing on  
275 the temporary injunction, any subsequent petition for injunction  
276 seeking an extension of time may be served on the respondent by  
277 the clerk of the court by certified mail in lieu of personal  
278 service by a law enforcement officer.

279 Section 8. Paragraph (a) of subsection (8) of section  
280 784.046, Florida Statutes, is amended to read:

281 784.046 Action by victim of repeat violence, sexual  
282 violence, or dating violence for protective injunction; powers  
283 and duties of court and clerk of court; filing and form of  
284 petition; notice and hearing; temporary injunction; issuance;  
285 statewide verification system; enforcement.--

286 (8)(a)1. The clerk of the court shall furnish a copy of  
287 the petition, notice of hearing, and temporary injunction, if  
288 any, to the sheriff or a law enforcement agency of the county  
289 where the respondent resides or can be found, who shall serve it  
290 upon the respondent as soon thereafter as possible on any day of  
291 the week and at any time of the day or night. When requested by  
292 the sheriff, the clerk of court may transmit a facsimile copy of  
293 an injunction that has been certified by the clerk of court, and  
294 this facsimile copy may be served in the same manner as a  
295 certified copy. Upon receiving a facsimile copy, the sheriff  
296 must verify receipt with the sender before attempting to serve  
297 it upon the respondent. In addition, if the sheriff is in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

298 possession of an injunction for protection that has been  
299 certified by the clerk of court, the sheriff may transmit a  
300 facsimile copy of that injunction to a law enforcement officer  
301 who shall serve it in the same manner as a certified copy. The  
302 clerk of the court shall be responsible for furnishing to the  
303 sheriff such information on the respondent's physical  
304 description and location as is required by the department to  
305 comply with the verification procedures set forth in this  
306 section. Notwithstanding any other provision of law to the  
307 contrary, the chief judge of each circuit, in consultation with  
308 the appropriate sheriff, may authorize a law enforcement agency  
309 within the chief judge's jurisdiction to effect this type of  
310 service and to receive a portion of the service fee. No person  
311 shall be authorized or permitted to serve or execute an  
312 injunction issued under this section unless the person is a law  
313 enforcement officer as defined in chapter 943.

314 2. When an injunction is issued, if the petitioner  
315 requests the assistance of a law enforcement agency, the court  
316 may order that an officer from the appropriate law enforcement  
317 agency accompany the petitioner and assist in the execution or  
318 service of the injunction. A law enforcement officer shall  
319 accept a copy of an injunction for protection against repeat  
320 violence, sexual violence, or dating violence, certified by the  
321 clerk of the court, from the petitioner and immediately serve it  
322 upon a respondent who has been located but not yet served.

323 Section 9. This act shall take effect July 1, 2008.  
324

325 -----  
326 **T I T L E A M E N D M E N T**

327 Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

328 An act relating to service of process; amending s. 30.231, F.S.;

329 increasing the fees charged by the sheriff in civil cases for

330 service of process; exempting the State of Florida and its

331 agencies from increased fees; deleting a prohibition on

332 additional fees for certain documents; amending s. 48.021, F.S.;

333 providing that criminal witness subpoenas and criminal summonses

334 may be served by a special process server appointed by the local

335 sheriff or by a certified process server; amending s. 48.27,

336 F.S., to conform; providing for selection of authorized

337 certified process servers to serve such subpoenas and summonses;

338 amending s. 56.041, F.S.; providing that all unsatisfied

339 executions in the possession of the sheriff docketed before

340 October 1, 2001, may be returned to the issuing court; amending

341 s. 56.21, F.S.; requiring the submission of an affidavit before

342 levying a judgment upon real property; requiring the sheriff to

343 furnish to the judgment debtor or the debtor's attorney of

344 record a copy of the notice of sale, notice of levy, and

345 affidavit within a specified period before execution of a sale

346 or levy; amending s. 56.27, F.S.; requiring that priority of

347 liens on real property be based on the effective date of the

348 judgment lien for a specified purpose; requiring a levying

349 creditor to deliver to the sheriff at the time of the levy

350 request an affidavit setting forth certain information and

351 attestations; amending ss. 741.30 and 784.046, F.S., relating to

352 service of process in cases of domestic violence or sexual

353 abuse; authorizing clerks of court to transmit facsimile copies

354 of previously certified injunctions to sheriffs upon request;

355 requiring sheriffs to verify receipt of facsimile copies of

356 injunctions with clerks of court before attempting service;

357 authorizing law enforcement officers to serve facsimile copies

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

358 | of injunctions in the same manner as certified copies; providing  
359 | an effective date.

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

HB 225 : Telephone Caller Identification

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 225

Vernon L. Keen, Sheriff (General Public) - Proponent

Florida Sheriff's Association

208 East Cypress St

Arcadia FL 34266

Phone: 863-993-4700

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 225

COUNCIL/COMMITTEE ACTION

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

*Traveling Amendment  
No Action Required*

1 Council/Committee hearing bill: Committee on Homeland Security  
2 & Public Safety

3 Representative(s) Kiar offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Caller ID  
8 Anti-spoofing Act."

9 Section 2. Section 817.487, Florida Statutes, is created  
10 to read:

11 817.487 Telephone caller identification systems.--

12 (1) As used in this section:

13 (a) "Call" means any type of telephone call made using a  
14 public switched telephone network, wireless cellular telephone  
15 service, or voice-over-Internet protocol (VoIP) service that has  
16 the capability of accessing users on the public switched  
17 telephone network or a successor network.

18 (b) "Caller" means a person who places a call, whether by  
19 telephone, over a telephone line, or on a computer.

20 (c) "Enter" means to input data by whatever means into a  
21 computer or telephone system.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 (d) "False information" means data that misrepresents the  
23 identity of the caller to the recipient of a call or to the  
24 network itself; however, when a person making an authorized call  
25 on behalf of another person inserts the name, telephone number,  
26 or name and telephone number of the person on whose behalf the  
27 call is being made, such information shall not be deemed false  
28 information.

29 (e) "Telephone caller identification system" means a  
30 listing of a caller's name, telephone number, or name and  
31 telephone number that is shown to a recipient of a call when it  
32 is received.

33 (2) A person may not enter or cause to be entered false  
34 information into a telephone caller identification system with  
35 the intent to deceive, defraud, or mislead the recipient of a  
36 call.

37 (3) A person may not place a call knowing that false  
38 information was entered into the telephone caller identification  
39 system with the intent to deceive, defraud, or mislead the  
40 recipient of the call.

41 (4) This section shall not apply to:

42 (a) The blocking of caller identification information.

43 (b) Any law enforcement agency of the federal, state,  
44 county, or municipal government.

45 (c) Any intelligence or security agency of the Federal  
46 Government.

47 (d) A telecommunications, broadband or voice-over-internet  
48 service provider that is acting solely as an intermediary for  
49 the transmission of telephone service between the caller and the  
50 recipient.

51

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 (5) (a) Any person who violates subsection (2) or  
53 subsection (3) commits a misdemeanor of the first degree,  
54 punishable as provided in s. 775.082 or s. 775.083.

55 (b) Any violation of subsection (2) or subsection (3)  
56 constitutes an unlawful trade practice under part II of chapter  
57 501 and, in addition to any remedies or penalties set forth in  
58 this section, is subject to any remedies or penalties available  
59 for a violation of that part.

60 (6) (a) The felony or misdemeanor degree of any criminal  
61 offense shall be reclassified by the court to the next higher  
62 degree as provided in this subsection if the offender violated  
63 subsection (2) or subsection (3) during the commission of the  
64 criminal offense or if a violation by the offender of subsection  
65 (2) or subsection (3) facilitated or furthered the criminal  
66 offense. The reclassification shall be as follows:

67 1. In the case of a misdemeanor of the second degree, the  
68 offense is reclassified as a misdemeanor of the first degree.

69 2. In the case of a misdemeanor of the first degree, the  
70 offense is reclassified as a felony of the third degree.

71 3. In the case of a felony of the third degree, the  
72 offense is reclassified as a felony of the second degree.

73 4. In the case of a felony of the second degree, the  
74 offense is reclassified as a felony of the first degree.

75 5. In the case of a felony of the first degree or a felony  
76 of the first degree punishable by a term of imprisonment not  
77 exceeding life, the offense is reclassified as a life felony.

78 (b) For purposes of sentencing under chapter 921 the  
79 following offense severity ranking levels apply:

80 1. An offense that is a misdemeanor of the first degree  
81 and that is reclassified under this subsection as a felony of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

82 the third degree is ranked in level 2 of the offense severity  
83 ranking chart.

84 2. A felony offense that is reclassified under this  
85 subsection is ranked one level above the ranking specified in s.  
86 921.0022 or s. 921.0023 for the offense committed.

87  
88 Section 3. This act shall take effect October 1, 2008.

89  
90  
91  
92 -----

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

94 Remove the entire title and insert:

95 A bill to be entitled

96 An act relating to telephone caller identification;  
97 providing a short title; creating s. 817.487, F.S.;  
98 prohibiting entering or causing to be entered false  
99 information into a telephone caller identification system  
100 with the intent to deceive, defraud, or mislead;  
101 prohibiting placing a call knowing that false information  
102 was entered into the telephone caller identification  
103 system; providing definitions; providing exceptions;  
104 providing penalties; providing that a violation is an  
105 unlawful trade practice under specified provisions;  
106 providing for enhancement of penalties when a violation is  
107 committed during the commission of a criminal offense or  
108 when a violation facilitates a criminal offense; providing  
109 an effective date.

110  
111

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

HB 295 : Senior Judges

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams		X			
James Frishe		X			
Luis Garcia	X				
Audrey Gibson		X			
Dorothy Hukill			X		
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman		X			
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)		X			
<b>Total Yeas: 10</b>		<b>Total Nays: 5</b>			

### Appearances:

HB 295

Brian Pitts (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave S

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 295

COUNCIL/COMMITTEE ACTION

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

*Traveling Amendment  
No Action Required*

1 Council/Committee hearing bill: Committee on Courts

2 Representative Planas offered the following:

3  
4 **Amendment**

5 Remove line(s) 15-20 and insert:

6 who is not engaged in the practice of law and either:

7 (a) Has failed to win re-election or be retained after  
8 more than 12 years of service as a justice or judge, or not been  
9 defeated in seeking reelection to, or has not failed to be  
10 retained in seeking retention in, his or her last judicial  
11 office or was not defeated when last seeking election to  
12 judicial office; and

13 (b) Has served at least one complete term as a justice or  
14 judge and chose not to stand for retention or re-election at the  
15 conclusion of the latest term is not engaged in the practice of  
16 law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. HB 295

COUNCIL/COMMITTEE ACTION

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

*Ruled  
not germane  
4-1-08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative(s) Planas offered the following:

4 **Amendment (with title amendments)**

5 Insert between line(s) 20-21:

6 Section 2. Paragraph (d) is added to subsection (1) of  
7 section 939.185, Florida Statutes, to read:

8 939.185 Assessment of additional court costs and  
9 surcharges.--

10 (d) The clerk of courts shall cause a certified copy of  
11 the court order imposing such costs, to be recorded in the  
12 public records which shall constitute a lien against the person  
13 upon whom the costs are imposed, and shall attach as a lien on  
14 any real and personal property owned by the person. Any lien  
15 created against real and personal property is enforceable in the  
16 same manner as provided by law. A lien created under this  
17 section does not attach to, or make subject to execution of levy  
18 or foreclosure, any real or personal property otherwise exempted  
19 by s. 4, Art. X of the State Constitution.

21 -----  
22 T I T L E A M E N D M E N T

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

23 Remove line(s) 2 - 5 and insert:

24 An act relating to courts; amending s. 25.073, F.S.; revising  
25 the definition of the terms "retired justice" and "retired  
26 judge" for purposes of assignment to temporary duty; amending s.  
27 939.185, F.S.; providing for a lien on personal or real property  
28 for court costs; providing an effective date.

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

**Location:** Reed Hall (102 HOB)

**HB 427 : Correctional Officers**

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 427

Matt Puckett (Lobbyist) - Proponent  
Florida Police Benevolent Association  
300 E Brevard Street  
Tallahassee FL 32301  
Phone: 850-222-3329

HB 427

Lisa Henning, Legislative Affairs Director (Lobbyist) - Proponent  
Fraternal Order of Police  
242 Office Plaza  
Tallahassee FL 32301  
Phone: 850-656-9881

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 427

COUNCIL/COMMITTEE ACTION

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

*Traveling Amendment  
No Action Required*

1 Council/Committee hearing bill: Homeland Security & Public Safety  
 2 Representative Patterson offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (2) of section 943.10, Florida

7 Statutes, is amended to read:

8 943.10 Definitions; ss. 943.085-943.255.--The following  
 9 words and phrases as used in ss. 943.085-943.255 are defined as  
 10 follows:

11 (2) "Correctional officer" means any person who is  
 12 appointed or employed full time by the state or any political  
 13 subdivision thereof, or by any private entity contracting which  
 14 ~~has contracted~~ with the state or political subdivision county,  
 15 and whose primary responsibility is the supervision, protection,  
 16 care, custody, and control, or investigation, of inmates within  
 17 a correctional institution. The term also includes any person  
 18 employed full time by the state as institutional security  
 19 personnel as defined in s. 916.106; however, The the term  
 20 "correctional officer" does not include any secretarial,  
 21 clerical, or professionally trained personnel.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 Section 2. This act shall take effect July 1, 2008.

23 -----

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

25 Remove the entire title and insert:

26 An act relating to correctional officers; amending s. 943.10,  
27 F.S.; revising the definition of "correctional officer" to  
28 include institutional security personnel; providing an effective  
29 date.

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

HB 647 : Excise Tax on Documents

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe		X			
Luis Garcia	X				
Audrey Gibson		X			
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 2</b>			

### Appearances:

HB 647

Robert Worth, Deputy Property Appraiser (Lobbyist) - Proponent

Broward County Property Appraiser

115 S Andrews Ave, #111

Ft. Lauderdale FL 33808

Phone: 954-445-5732

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 647

COUNCIL/COMMITTEE ACTION

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

*favorable  
4.1.08*

1 Council/Committee hearing bill: Safety & Security Council  
 2 Representative(s) Hudson offered the following:  
 3

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (11) is added to section 201.02, Florida Statutes, to read:

201.02 Tax on deeds and other instruments relating to real property or interests in real property.--

(11) Taxes imposed by this section do not apply to a deed or other instrument that transfers or conveys homestead property or any interest therein between spouses only, where the only consideration for the conveyance is the amount of a mortgage or other lien encumbering the homestead property at the time of the conveyance and where the conveyance is recorded within one year of the date of the marriage. This exemption applies to conveyances from one spouse to another, from one spouse to both spouses, or from both spouses to one spouse.

Section 2. This act shall take effect upon becoming a law.

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

Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 An act relating to the excise tax on documents; amending  
24 s. 201.02, F.S.; providing that certain conveyances of  
25 homestead property between spouses are not subject to the  
26 excise tax on deeds; providing an effective date.

27

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

**Location:** Reed Hall (102 HOB)

**HB 823 : Access to Dwelling Units**

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 823

COUNCIL/COMMITTEE ACTION

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

*Traveling Amendment  
No Action Required*

1 Council/Committee hearing bill: Constitution & Civil Law  
2 Representative Kravitz offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (4) is added to section 83.53,

7 Florida Statutes, to read:

8 83.53 Landlord's access to dwelling unit.--

9 (4) The landlord shall maintain a written record, subject  
10 to inspection by a tenant upon the tenant's request, that  
11 includes:

12 (a) The names of all employees of the landlord who have  
13 access to the dwelling unit.

14 (b) The dates and times that any employee of the landlord  
15 has entered the dwelling unit pursuant to this section.

16

17 For the purposes of this subsection, the term "employee" means a  
18 person who receives compensation from, and is under the  
19 supervision and control of, a landlord who regularly deducts the  
20 F.I.C.A. and withholding tax and provides workers' compensation,  
21 all as prescribed by law.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22           (c) This section does not apply to homes for the aged as  
23 that term is defined in s. 212.08(7)(i), F.S., to the extent  
24 that such facilities provide care and services for the aged.  
25

26           Section 2. This act shall take effect July 1, 2008.  
27  
28

29           -----

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

31           Remove the entire title and insert:  
32 An act relating to access to dwelling units; amending s. 83.53,  
33 F.S.; providing recordkeeping requirements for landlords  
34 relating to access to dwelling units by employees; defining the  
35 term "employee"; providing an exception; providing an effective  
36 date.  
37



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (2)

Bill No. HB 823

COUNCIL/COMMITTEE ACTION

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

*favorable  
4-1-08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative(s) Kravitz offered the following:

3  
4 **Amendment to Amendment (1) by Representative Kravitz**  
5 Remove line(s) 15 and insert:  
6 will enter the dwelling unit pursuant to this section.

7  
8  
9

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

**Location:** Reed Hall (102 HOB)

**HB 839 : Emergency Health Care Providers**

*Temporarily Deferred*

### Appearances:

HB 839

Marcus Michles (General Public) - Opponent

Florida Justice Association

609 Fairpoint Dr

Gulf Breeze FL 32561

Phone: 850-438-4848

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

HB 1029 : Protection of Minors Online

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 1029

Sebastian Aleksander (Lobbyist) - Proponent

YAHOO!

215 S Monroe Street, Suite 720

Tallahassee FL 32301

Phone: 850-459-1559

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1029

COUNCIL/COMMITTEE ACTION

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

*Traveling Amendment  
No Action Required*

1 Council/Committee hearing bill: Homeland Security & Public Safety  
2 Representative Adams offered the following:

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

5 Remove everything after the enacting clause and insert:

6 Section 1. Internet access provider; parental controls.--

7 (1) For purposes of this section, the term "Internet  
8 access provider" means an entity that provides consumers with  
9 public access to the Internet.

10 (2) If an Internet access provider knows or has reasonable  
11 cause to believe that a subscriber resides within this state,  
12 the provider shall make available to the subscriber a product or  
13 service that enables the subscriber to regulate a minor's use of  
14 the service to access the Internet if such a product or service  
15 is reasonably and commercially available for the technology used  
16 by the subscriber to access the Internet. The product or service  
17 must, subject to such availability, enable the subscriber to do  
18 the following:

19 (a) Block access to specific websites or domains  
20 disapproved by the subscriber;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 (b) Restrict access to specific websites or domains deemed  
22 appropriate by the subscriber or the internet access provider;  
23 and

24 (c) Allow the subscriber to control a minor's use of the  
25 Internet remotely through the use of online capability or  
26 monitor a minor's use of the Internet by providing a report to  
27 the subscriber of the specific websites or domains that the  
28 minor has visited or has attempted to visit but could not access  
29 because the websites or domains were blocked or restricted by  
30 the subscriber.

31 (3) For the purposes of subsection (2), an Internet access  
32 provider shall be deemed to know that a subscriber resides  
33 within this state if the subscriber identifies this state as his  
34 or her place of residence at the time of subscription.

35 (4) If a product or service described in subsection (2) is  
36 reasonably and commercially available for the technology used by  
37 the subscriber to access the Internet, the Internet access  
38 provider:

39 (a) Shall make available to the subscriber, at or near the  
40 time of subscription, information concerning the availability of  
41 the product or service described in subsection (2); and

42 (b) May make the product or service described in  
43 subsection (2) available to the subscriber either directly or  
44 through a third-party vendor.

45 Section 2. (1) (a) An interactive computer service, as  
46 defined in s. 668.602, Florida Statutes, shall, upon the request  
47 of any law enforcement agency investigating an offense listed in  
48 s. 775.21(4)(a)1., or s. 943.0435(1)(a)1., that involves a minor  
49 victim, take all necessary steps to preserve records and all  
50 other evidence in its possession pending issuance of a court

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

51 order or other legal process. The interactive computer service  
52 shall comply with the request as soon as possible following  
53 receipt.

54 (b) Records and evidence referred to in paragraph (a)  
55 shall be retained for a period of 90 days, which shall be  
56 extended for an additional 90-day period upon a renewed request  
57 by the law enforcement agency.

58 (2) In connection with any criminal investigation regarding  
59 an offense listed in s. 775.21(4)(a)1., or s. 943.0435(1)(a)1.,  
60 that involves a minor victim and that involves immediate danger  
61 of death or serious bodily harm, a law enforcement agency in  
62 this state may issue a request, without compulsory legal process  
63 or court order, to an interactive computer service to disclose,  
64 consistent with 18 U.S.C. s. 2702(c)(4), the information  
65 identified in 18 U.S.C. s. 2703(c)(2). The service shall  
66 communicate with the requesting agency to discuss the nature of  
67 the request and to coordinate an appropriate response  
68 immediately and without delay.

69 (3) Subsections (1) and (2) shall be interpreted in a  
70 manner consistent with the requirements of federal law that  
71 apply to providers of an electronic communications service,  
72 including, but not limited to, 18 U.S.C. ss. 2701 et seq. and 42  
73 U.S.C. s. 13032.

74 Section 3. Section 847.0141, Florida Statutes, is created  
75 to read:

76 847.0141 Reporting child pornography violations.--An  
77 interactive computer service, as defined s. 668.602, that is  
78 doing business in this state that obtains knowledge of facts or  
79 circumstances from which a violation of any law in this state  
80 prohibiting child pornography is apparent shall make a report,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

81 as soon as reasonably possible, of such facts or circumstances  
82 to the National Center for Missing and Exploited Children  
83 consistent with the requirements of 42 U.S.C. s. 13032.

84 Section 4. Section 943.0437, Florida Statutes, is amended  
85 to read:

86 943.0437 Commercial social networking websites.--

87 (1) (a) For the purpose of this section, the term  
88 "commercial social networking website" means a commercially  
89 operated Internet website that allows users to create web pages  
90 or profiles that provide information about themselves and are  
91 available publicly or to other users and that offers a mechanism  
92 for communication with other users, such as a forum, chat room,  
93 electronic mail, or instant messenger.

94 (b) For purposes of this section, the term "interactive  
95 computer service" has the same meaning as provided in s.  
96 668.602.

97 (2) The department may provide information relating to  
98 electronic mail addresses and instant message names maintained  
99 as part of the sexual offender registry to interactive computer  
100 services, commercial social networking websites, or third  
101 parties designated by commercial social networking websites.  
102 Interactive computer services and The commercial social  
103 networking websites may use this information for the purpose of  
104 comparing registered users and screening potential users of the  
105 interactive computer service or commercial social networking  
106 website against the list of electronic mail addresses and  
107 instant message names provided by the department.

108 (3) This section shall not be construed to impose any  
109 civil liability on an interactive computer service or a  
110 commercial social networking website for:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

111 (a) Any action voluntarily taken in good faith to remove  
112 or disable any profile of a registered user associated with an  
113 electronic mail address or instant message name contained in the  
114 state sexual offender registry or the National Sex Offender  
115 Registry.

116 (b) Any action taken to restrict access by such registered  
117 user to an interactive computer service or a the commercial  
118 social networking website.

119 (c) Failing to take any action to restrict access by such  
120 registered user to an interactive computer service or a  
121 commercial social networking website.

122 Section 5. This act shall take effect October 1, 2008.  
123  
124

125 -----  
126 T I T L E A M E N D M E N T

127 Remove the entire title and insert:

128 An act relating to protection of minors online; defining  
129 the term "Internet access provider"; requiring providers  
130 to make available to customers in this state a product or  
131 service that enables the subscriber to regulate a minor's  
132 use of the service to access the Internet if certain  
133 conditions exist; providing requirements for such a  
134 product or service; requiring that interactive computer  
135 services take necessary steps to preserve records and  
136 evidence upon request of law enforcement agencies  
137 investigating specified crimes involving minor victims;  
138 requiring retention of such records and information for  
139 specified periods; providing for compliance without  
140 compulsory legal process in investigations of certain



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

141 offenses involving minor victims involving immediate  
142 danger of death or serious bodily harm; providing for  
143 construction of provisions in a manner consistent with  
144 specified federal laws; creating s. 847.0141, F.S.;  
145 requiring interactive computer services to make certain  
146 reports when a violation of child pornography laws is  
147 evident to such service; amending s. 943.0437, F.S.;  
148 authorizing the Department of Law Enforcement to provide  
149 interactive computer services certain information;  
150 providing that interactive computers services are not  
151 liable for taking or failing to take certain actions based  
152 on a registered user's association with an electronic mail  
153 address or instant message name contained in certain sex  
154 offender registries; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1a

Bill No. 1029

COUNCIL/COMMITTEE ACTION

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

*Favorable  
4-1-08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative Kravitz offered the following:

3  
4 **Amendment to Amendment (1) by Representative Kravitz**

5 Remove lines 7-9 and insert:

6 (1) For purposes of this section, the term "Internet access  
7 provider" means any entity who, as one of its primary business  
8 activities, provides consumers with access to the Internet. The  
9 term does not include commercial mobile radio service providers  
10 as defined in s. 364.02.

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

HB 1043 : Street Racing

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross	X				
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 1043

Stephen Stanfield (General Public) - Proponent

FACOL

4809 SW 91 Terrace

Gainesville FL 32608

Phone: 352-372-6009

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

**Location:** Reed Hall (102 HOB)

**HB 1133 : Unauthorized Copies of Recordings**

*Temporarily Deferred*

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

HB 1297 : Dissolution of Marriage

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross			X		
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 1297

Elisha Roy (General Public) - Proponent

Family Law Section, Florida Bar

P O Box 2907

West Palm Beach FL 33409

Phone: 561-689-4378

HB 1297

Thomas Duggar (General Public) - Proponent

Family Law Section

1300 Thomaswood Dr

Tallahassee FL 32308

Phone: 850-386-6124

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-04 : Juvenile Justice

Favorable With Amendments (5)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill	X				
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas	X				
Dennis Ross			X		
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

PCB SSC 08-04

Christopher Norwood, Chair (General Public) - Information Only  
Council on the Social Status of Black Men and Boys  
Miami FL

PCB SSC 08-04

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

PCB SSC 08-04

Donna Uzzell, Director (State Employee) - Information Only  
Criminal Justice Information Services, FDLE  
2331 Phillips Rd  
Tallahassee FL 32308  
Phone: 850-410-7100

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

Bill No. **PCB SSC 08-04**

COUNCIL/COMMITTEE ACTION

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

*favourable  
4-1-08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative(s) Needelman offered the following:

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

5 Between line(s) 112-113 insert:

6 Section 4. Paragraph (a) of subsection (4) of section  
7 943.0585, Florida Statutes, is amended to read:

8 943.0585 Court-ordered expunction of criminal history  
9 records.--

10 (4)(a) The person who is the subject of a criminal history  
11 record that is expunged under this section or under other  
12 provisions of law, including s. 943.0515, former s. 893.14,  
13 former s. 901.33, and former s. 943.058, may lawfully deny or  
14 fail to acknowledge the arrests covered by the expunged record,  
15 except when the subject of the record:

- 16 1. Is a candidate for employment with a criminal justice  
17 agency;  
18 2. Is a defendant in a criminal prosecution;  
19 3. Concurrently or subsequently petitions for relief under  
20 this section or s. 943.059;  
21 4. Is a candidate for admission to The Florida Bar;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01(for drafter's use only)

22 5. Is seeking to be employed or licensed by or to contract  
23 with the Department of Children and Family Services or the  
24 Department of Juvenile Justice or to be employed or used by such  
25 contractor or licensee in a sensitive position having direct  
26 contact with children, the developmentally disabled, the aged,  
27 or the elderly as provided in s. 110.1127(3), s. 393.063, s.  
28 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.  
29 409.175(2)(i), s. 415.102(4), chapter 916, s. 985.644, chapter  
30 400, or chapter 429;

31 6. Is seeking to be employed or licensed by the Department  
32 of Education, any district school board, any university  
33 laboratory school, any charter school, any private or parochial  
34 school, or any local governmental entity that licenses child  
35 care facilities; or

36 7. Is seeking authorization from a Florida seaport  
37 identified in s. 311.09 for employment within or access to one  
38 or more of such seaports pursuant to s. 311.12 or s. 311.125.

39  
40

-----

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

42 Remove line 5 and insert:

43 939.185, F.S.; providing diversion options; amending s.  
44 943.0585, F.S., relating to court-ordered expunction of criminal  
45 history records; amending s. 984.05,

46



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

Bill No. PCB SSC 08-04

COUNCIL/COMMITTEE ACTION

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

*Favorable  
4-1-08*

Council/Committee hearing bill: Safety & Security Council  
Representative(s) Needelman offered the following:

**Amendment (with title amendment)**

Between line(s) 523-524 insert:

Section 12. Section 985.438, Florida Statutes, is created  
to read:

985.438 Commitment alternatives; Redirection Program -

(1) (a) The Redirection Program is created for the purpose  
of providing an alternative to residential commitment for  
eligible youth that would otherwise be committed to a  
residential program. Under this program, eligible youth may be  
diverted or redirected to a therapy-based community program when  
appropriate. The department, in conjunction with the chief  
judge and the state attorney in each participating judicial  
circuit, shall develop criteria to identify those eligible youth  
that are appropriate for participation in the program. Eligible  
youth shall include youth that:

1. have been adjudicated delinquent, or have had  
adjudication withheld, for a non law violation such as a  
violation of a condition of probation; or,



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

Bill No. **PCB SSC 08-04**

COUNCIL/COMMITTEE ACTION

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

*Favorable  
4.1.08*

1 Council/Committee hearing bill: Safety & Security Council  
 2 Representative(s) Needelman offered the following:

**Amendment (with title amendment)**

Between line(s) 112-113 insert:

6 Section 4. Effective upon the amendments to this section  
 7 by HB XXXX or similar legislation becoming law, paragraph (a) of  
 8 subsection (3) of section 943.053, Florida Statutes, is amended  
 9 to read:

10 943.053 Dissemination of criminal justice information;  
 11 fees.--

12 (3) (a)

13 1. Criminal history information, including information  
 14 relating to minors, compiled by the Criminal Justice Information  
 15 Program from intrastate sources shall be available on a priority  
 16 basis to criminal justice agencies for criminal justice purposes  
 17 free of charge. After providing the program with all known  
 18 identifying information, persons in the private sector and  
 19 noncriminal justice agencies may be provided criminal history  
 20 information upon tender of fees as established in this  
 21 subsection and in the manner prescribed by rule of the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

22 Department of Law Enforcement. Such fees are to offset the cost  
23 of producing the record information, including the total cost of  
24 creating, storing, maintaining, updating, retrieving, improving,  
25 and providing criminal history information in a centralized,  
26 automated database, including personnel, technology, and  
27 infrastructure expenses. Any access to criminal history  
28 information by the private sector or noncriminal justice  
29 agencies as provided in this subsection shall be assessed  
30 without regard to the quantity or category of criminal history  
31 record information requested. Fees may be waived or reduced by  
32 the executive director of the Department of Law Enforcement for  
33 good cause shown.

34 3. The subject of a criminal history record which is  
35 confidential and exempt from s. 119.071(1) and s. 24(a), Art. I  
36 of the State Constitution under subparagraph 2 of this section  
37 when he or she attains the age of 18 years, may thereafter  
38 lawfully deny or fail to acknowledge the arrests and  
39 dispositions covered by the confidentiality and exemption,  
40 except when the subject of the record:

41 (i) Is a candidate for employment with a criminal justice  
42 agency;

43 (ii) Is a defendant in a criminal prosecution;

44 (iii) Petitions for expunction or sealing under s.  
45 943.0585 or s. 943.059;

46 (iv) Is a candidate for admission to The Florida Bar;

47 (v) Is seeking to be employed or licensed by or to  
48 contract with the Department of Children and Family Services or  
49 the Department of Juvenile Justice or to be employed or used by  
50 such contractor or licensee in a sensitive position having  
51 direct contact with children, the developmentally disabled, the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03(for drafter's use only)

52 aged, or the elderly as provided in s. 110.1127(3), s. 393.063,  
53 s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.  
54 409.175(2)(i), s. 415.102(4), s. 415.103, chapter 916, s.  
55 985.644, chapter 400, or chapter 429;

56 (vi) Is seeking to be employed or licensed by the  
57 Department of Education, any district school board, any  
58 university laboratory school, any charter school, any private or  
59 parochial school, or any local governmental entity that licenses  
60 child care facilities;

61 (vii) Is attempting to purchase a firearm from a licensed  
62 importer, licensed manufacturer, or licensed dealer and is  
63 subject to a criminal history background check under state or  
64 federal law; or

65 (viii) Is seeking authorization from a Florida seaport  
66 identified in s. 311.09 for employment within or access to one  
67 or more of such seaports pursuant to s. 311.12 or s. 311.125.

68 4. Subject to the exceptions in subparagraph 3, a person  
69 whose criminal history record is confidential and exempt from s.  
70 119.071(1) and s. 24(a), Art. I of the State Constitution under  
71 subparagraph 2 of this section when he or she attains the age of  
72 18 years, may not be held under any provision of law of this  
73 state to commit perjury or to be otherwise liable for giving a  
74 false statement by reason of such person's failure to recite or  
75 acknowledge the confidential and exempt criminal history record.

76  
77  
78 -----  
79 **T I T L E A M E N D M E N T**

80 Remove line 5 and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

81 amending s. 939.185, F.S.; providing diversion options; amending  
82 s. 943.053, F.S., relating to dissemination of criminal justice  
83 information and fees; amending s. 984.05,  
84

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 04 (for drafter's use only)

Bill No. **PCB SSC 08-04**

COUNCIL/COMMITTEE ACTION

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

*favourable  
4-1-08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative(s) Needelman offered the following:

3

4 **Amendment**

5 Remove lines 1110 - 1112 and insert:

6 (1) A student alleged to have committed a serious  
7 criminal offense shall be reported to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 05 (for drafter's use only)

Bill No. PCB SSC 08-04

COUNCIL/COMMITTEE ACTION

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

*Favorable  
4.1.08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative(s) Needelman offered the following:

3

4 **Amendment**

5 On line 1128 remove all of said line, and insert:  
6 than that specified in this section when the school district  
7 does not object to the referral. In such case, the county may  
8 be reimbursed at a rate not to exceed the



# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

Location: Reed Hall (102 HOB)

PCB SSC 08-10 : Public Records Exemption -- Juvenile Criminal History Records

<input checked="" type="checkbox"/> Favorable With Amendments (3)	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Sandra Adams	X				
James Frishe	X				
Luis Garcia	X				
Audrey Gibson	X				
Dorothy Hukill				X	
Kurt Kelly	X				
Marcelo Llorente	X				
Mitch Needelman	X				
Juan-Carlos Planas			X		
Dennis Ross			X		
Maria Sachs	X				
William Snyder	X				
Priscilla Taylor	X				
Nicholas Thompson	X				
Perry Thurston	X				
Dick Kravitz (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### Appearances:

PCB SSC 08-10

Donna Uzzell, Director (State Employee) - Information Only

Criminal Justice Information Services, FDLE

2331 Phillips Rd

Tallahassee FL 32308

Phone: 850-410-7100

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

Bill No. PCB SSC 08-10

COUNCIL/COMMITTEE ACTION

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

*Favorable  
4.1.08*

Council/Committee hearing bill: Safety & Security Council  
Representative(s) Needelman offered the following:

**Amendment (with title amendment)**

Remove line(s) 26-33 and insert:

arrest or finding, the confidentiality and exemption provided by  
this subparagraph shall not apply to any portion of the criminal  
history record of the minor. The removal of this  
confidentiality and exemption shall have no effect on any other  
exemption from disclosure that may otherwise be provided by law.  
Records made confidential and exempt by this subparagraph may be  
disclosed to those persons and entities authorized at s.  
943.059(4) to receive sealed criminal history information, to  
each judge in the state courts system for the purpose of  
assisting judges in their case-related decisionmaking  
responsibilities, to private contractors authorized at s.  
943.053(8), (9), and (10), to receive sealed criminal history  
information as specified therein, and to those persons and  
entities authorized at s. 985.04(1) to receive information  
obtained under chapter 985.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 01 (for drafter's use only)

22 This subsection is subject to the Open Government Sunset Review  
23 Act in accordance with s. 119.15 and shall stand repealed on  
24 October 2, 2014, unless reviewed and saved from repeal through  
25 reenactment by the Legislature.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 02 (for drafter's use only)

Bill No. **PCB SSC 08-10**

COUNCIL/COMMITTEE ACTION

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

*favourable  
4-1-08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative(s) Needelman offered the following:

3

4 **Amendment**

5 On line 18 remove, "119.071(1)", and insert:

6 119.07(1)

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

Bill No. PCB SSC 08-10

COUNCIL/COMMITTEE ACTION

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

*Favorable  
4-1-08*

1 Council/Committee hearing bill: Safety & Security Council  
2 Representative(s) Needelman offered the following:

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

5 Remove line(s) 12-16 and insert:

6 Section 1. Paragraph (a) of subsection (3) of section  
7 943.053, Florida Statutes, is amended to read:

8 943.053 Dissemination of criminal justice information;  
9 fee.--

10 (3) (a) 1. Criminal history information, including  
11 information relating to minors, compiled by the Criminal Justice  
12 Information Program from intrastate sources shall be available  
13 on a priority basis to criminal justice agencies for criminal  
14 justice purposes free of charge. After providing the program  
15 with all known identifying information, persons in the private  
16 sector and noncriminal justice agencies may be provided criminal  
17 history information upon tender of fees as established in this  
18 subsection and in the manner prescribed by rule of the  
19 Department of Law Enforcement. Such fees are to offset the cost  
20 of producing the record information, including the total cost of  
21 creating, storing, maintaining, updating, retrieving, improving,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 03 (for drafter's use only)

22 and providing criminal history information in a centralized,  
23 automated database, including personnel, technology, and  
24 infrastructure expenses. Any access to criminal history  
25 information by the private sector or noncriminal justice  
26 agencies as provided in this subsection shall be assessed  
27 without regard to the quantity or category of criminal history  
28 record information requested. Fees may be waived or reduced by  
29 the executive director of the Department of Law Enforcement for  
30 good cause shown.

31 2. The criminal history record of a minor compiled by the

32

33

34

-----

35

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

36

Remove line 3 and insert:

37

943.053, F.S.; making confidential and exempt certain

38

39

# COUNCIL MEETING REPORT

## Safety & Security Council

4/1/2008 10:15:00AM

**Location:** Reed Hall (102 HOB)

### Summary:

#### Safety & Security Council

*Tuesday April 01, 2008 10:15 am*

HB 209	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 225	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 295	Favorable with Council Substitute	Yeas: 10	Nays: 5
HB 427	Favorable with Council Substitute	Yeas: 15	Nays: 0
HB 647	Favorable with Council Substitute	Yeas: 13	Nays: 2
HB 823	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 839	Temporarily Deferred		
HB 1029	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 1043	Favorable	Yeas: 15	Nays: 0
HB 1133	Temporarily Deferred		
HB 1297	Favorable	Yeas: 15	Nays: 0
PCB SSC 08-04	Favorable With Amendments (5)	Yeas: 15	Nays: 0
PCB SSC 08-10	Favorable With Amendments (3)	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, April 01, 2008 2:37:04PM