



Judiciary Committee

Thursday, April 21, 2011

11:00 AM

404 HOB

AMENDMENT PACKET

**Dean Cannon
Speaker**

**William Snyder
Chair**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 251 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	___	(Y/N)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

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

3
4 **Amendment**

5 Remove lines 305-325 and insert:

6 after of the information or indictment or petition for
7 delinquency is filed court order. In the event the victim or, if
8 the victim is a minor, the victim's parent or legal guardian,
9 requests hepatitis and HIV testing after 48 hours have elapsed
10 from the filing of the indictment or information or petition for
11 delinquency, the testing shall be done within 48 hours after the
12 request.

13 (b) However, when a victim of any sexual offense
14 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
15 the time the offense was committed or when a victim of any
16 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
17 825.1025 is a disabled adult or elderly person as defined in s.
18 825.1025 regardless of whether the offense involves the
19 transmission of bodily fluids from one person to another, then

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20 upon the request of the victim or the victim's legal guardian,
21 or of the parent or legal guardian, the court shall order such
22 person to undergo hepatitis and HIV testing within 48 hours
23 after ~~of~~ the information or indictment or petition for
24 delinquency is filed ~~court order~~. In the event the victim or, if
25 the victim is a minor, the victim's parent or legal guardian,
26 requests hepatitis and HIV testing after 48 hours have elapsed
27 from the filing of the indictment or information or petition for
28 delinquency, the testing shall be done within 48 hours after
29 the

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WITHDRAWN	_____	(Y/N)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

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

Amendment (with title amendment)

Remove line 20 and insert:

6 the penalties set forth in s. 817.67(2). It is not a violation
 7 of this subsection for a retailer or retail employee, in the
 8 ordinary course of business, to: possess, receive, or return a
 9 credit card or debit card that the retailer or retail employee
 10 does not know was stolen; or possess, receive, or retain a
 11 credit card or debit card that the retailer or retail employee
 12 knows is stolen for the purpose of an investigation into the
 13 circumstances regarding the theft of the card or its possible
 14 unlawful use.

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

18 Remove line 5 and insert:

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19 providing penalties; providing that a retailer or retail
20 employee who possesses, receives, or returns a stolen credit or
21 debit card without knowledge that the card is stolen or in order
22 to investigate the card's theft or unlawful use does not commit
23 a violation of the act; providing an effective date.

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

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

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

5 Between lines 94 and 95, insert:

6 (6) Within faith- and character-based institutions of the
7 state correctional system, peer to peer programming shall be
8 allowed, such as Alcoholics Anonymous groups, literacy
9 instruction, and other activities when appropriate.

10
11
12 -----
13 **T I T L E A M E N D M E N T**

14 Remove line 9 and insert:

15 for the faith- and character-based institutions within the state
16 correctional system to allow peer-to-peer programming whenever
17 appropriate; providing an effective date.

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

1 Committee/Subcommittee hearing bill: Judiciary

2 Representative Boyd offered the following:

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

5 Remove line 95 and insert:

6 Section 3. Subsections (1) and (8) of section 440.192,
7 Florida Statutes, are amended to read:

8 440.192 Procedure for resolving benefit disputes.—

9 (1) Any employee may, for any benefit that is ripe, due,
10 and owing, file ~~by certified mail, or by electronic means~~
11 ~~approved by the Deputy Chief Judge,~~ with the Office of the
12 Judges of Compensation Claims a petition for benefits which
13 meets the requirements of this section and the definition of
14 specificity in s. 440.02. An employee represented by an attorney
15 shall file by electronic means approved by the Deputy Chief
16 Judge. An employee not represented by an attorney may file by
17 certified mail or by electronic means approved by the Deputy
18 Chief Judge. The department shall inform employees of the
19 location of the Office of the Judges of Compensation Claims and

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20 the office's website address for purposes of filing a petition
21 for benefits. The employee shall also serve copies of the
22 petition for benefits by certified mail, or by electronic means
23 approved by the Deputy Chief Judge, upon the employer and the
24 employer's carrier. The Deputy Chief Judge shall refer the
25 petitions to the judges of compensation claims.

26 (8) Within 14 days after receipt of a petition for
27 benefits by certified mail or by approved electronic means, the
28 carrier must either pay the requested benefits without prejudice
29 to its right to deny within 120 days from receipt of the
30 petition or file a response to petition with the Office of the
31 Judges of Compensation Claims. The response shall be filed by
32 electronic means approved by the Deputy Chief Judge. The carrier
33 must list all benefits requested but not paid and explain its
34 justification for nonpayment in the response to petition. A
35 carrier that does not deny compensability in accordance with s.
36 440.20(4) is deemed to have accepted the employee's injuries as
37 compensable, unless it can establish material facts relevant to
38 the issue of compensability that could not have been discovered
39 through reasonable investigation within the 120-day period. The
40 carrier shall provide copies of the response to the filing
41 party, employer, and claimant by certified mail or by electronic
42 means approved by the Deputy Chief Judge.

43 Section 4. Subsection (1) and paragraphs (a), (c), and (e)
44 of subsection (4) of section 440.25, Florida Statutes, are
45 amended to read:

46 440.25 Procedures for mediation and hearings.—

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47 (1) Forty days after a petition for benefits is filed
48 under s. 440.192, the judge of compensation claims shall notify
49 the interested parties by order that a mediation conference
50 concerning such petition has been scheduled unless the parties
51 have notified the judge of compensation claims that a private
52 mediation has been held or is scheduled to be held. A mediation,
53 whether private or public, shall be held within 130 days after
54 the filing of the petition. Such order must give the date the
55 mediation conference is to be held. Such order may be served
56 personally upon the interested parties or may be sent to the
57 interested parties by mail or by electronic means approved by
58 the Deputy Chief Judge. If multiple petitions are pending, or if
59 additional petitions are filed after the scheduling of a
60 mediation, the judge of compensation claims shall consolidate
61 all petitions into one mediation. The claimant or the adjuster
62 of the employer or carrier may, at the mediator's discretion,
63 attend the mediation conference by telephone or, if agreed to by
64 the parties, other electronic means. A continuance may be
65 granted upon the agreement of the parties or if the requesting
66 party demonstrates to the judge of compensation claims that the
67 reason for requesting the continuance arises from circumstances
68 beyond the party's control. Any order granting a continuance
69 must set forth the date of the rescheduled mediation conference.
70 A mediation conference may not be used solely for the purpose of
71 mediating attorney's fees.

72 (4) (a) If the parties fail to agree to written submission
73 of pretrial stipulations, the judge of compensation claims shall
74 conduct a live pretrial hearing. The judge of compensation

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75 claims shall give the interested parties at least 14 days'
76 advance notice of the pretrial hearing by mail or by electronic
77 means approved by the Deputy Chief Judge.

78 (c) The judge of compensation claims shall give the
79 interested parties at least 14 days' advance notice of the final
80 hearing, served upon the interested parties by mail or by
81 electronic means approved by the Deputy Chief Judge.

82 (e) The order making an award or rejecting the claim,
83 referred to in this chapter as a "compensation order," shall set
84 forth the findings of ultimate facts and the mandate; and the
85 order need not include any other reason or justification for
86 such mandate. The compensation order shall be filed in the
87 Office of the Judges of Compensation Claims at Tallahassee. A
88 copy of such compensation order shall be sent by mail or by
89 electronic means approved by the Deputy Chief Judge to the
90 parties and attorneys of record and any parties not represented
91 by an attorney at the last known address of each, with the date
92 of mailing noted thereon.

93 Section 5. Subsection (3) of section 440.29, Florida
94 Statutes, is amended to read:

95 440.29 Procedure before the judge of compensation claims.—

96 (3) The practice and procedure before the judges of
97 compensation claims shall be governed by rules adopted by the
98 Office of the Judges of Compensation Claims ~~Supreme Court~~,
99 except to the extent that such rules conflict with the
100 provisions of this chapter.

101 Section 6. Subsection (4) of section 440.45, Florida
102 Statutes, is amended to read:

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103 440.45 Office of the Judges of Compensation Claims.-

104 (4) The Office of the Judges of Compensation Claims shall
105 adopt rules to carry out ~~effect~~ the purposes of this section.
106 Such rules must ~~shall~~ include procedural rules applicable to
107 workers' compensation claim resolution, including rules
108 requiring electronic filing and service where deemed appropriate
109 by the Deputy Chief Judge, and uniform criteria for measuring
110 the performance of the office, including, but not limited to,
111 the number of cases assigned and resolved ~~disposed~~, the age of
112 pending and resolved ~~disposed~~ cases, timeliness of decisions
113 ~~decisionmaking~~, extraordinary fee awards, and other data
114 necessary for the judicial nominating commission to review the
115 performance of judges as required in paragraph (2)(c). ~~The~~
116 ~~workers' compensation rules of procedure approved by the Supreme~~
117 ~~Court apply until the rules adopted by the Office of the Judges~~
118 ~~of Compensation Claims pursuant to this section become~~
119 ~~effective.~~

120 Section 7. Subsection (5) of section 120.52, Florida
121 Statutes, is amended to read:

122 120.52 Definitions.-As used in this act:

123 (5) "Division" means the Division of Administrative
124 Hearings. Any document filed with the division by a party
125 represented by an attorney shall be filed by electronic means
126 through the division's website. Any document filed with the
127 division by a party not represented by an attorney shall,
128 whenever possible, be filed by electronic means through the
129 division's website.

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130 Section 8. Paragraph (b) of subsection (5) of section
131 120.54, Florida Statutes, is amended to read:

132 120.54 Rulemaking.—

133 (5) UNIFORM RULES.—

134 (b) The uniform rules of procedure adopted by the
135 commission pursuant to this subsection shall include, but are
136 not limited to:

137 1. Uniform rules for the scheduling of public meetings,
138 hearings, and workshops.

139 2. Uniform rules for use by each state agency that provide
140 procedures for conducting public meetings, hearings, and
141 workshops, and for taking evidence, testimony, and argument at
142 such public meetings, hearings, and workshops, in person and by
143 means of communications media technology. The rules shall
144 provide that all evidence, testimony, and argument presented
145 shall be afforded equal consideration, regardless of the method
146 of communication. If a public meeting, hearing, or workshop is
147 to be conducted by means of communications media technology, or
148 if attendance may be provided by such means, the notice shall so
149 state. The notice for public meetings, hearings, and workshops
150 utilizing communications media technology shall state how
151 persons interested in attending may do so and shall name
152 locations, if any, where communications media technology
153 facilities will be available. Nothing in this paragraph shall be
154 construed to diminish the right to inspect public records under
155 chapter 119. Limiting points of access to public meetings,
156 hearings, and workshops subject to the provisions of s. 286.011
157 to places not normally open to the public shall be presumed to

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158 violate the right of access of the public, and any official
159 action taken under such circumstances is void and of no effect.
160 Other laws relating to public meetings, hearings, and workshops,
161 including penal and remedial provisions, shall apply to public
162 meetings, hearings, and workshops conducted by means of
163 communications media technology, and shall be liberally
164 construed in their application to such public meetings,
165 hearings, and workshops. As used in this subparagraph,
166 "communications media technology" means the electronic
167 transmission of printed matter, audio, full-motion video,
168 freeze-frame video, compressed video, and digital video by any
169 method available.

170 3. Uniform rules of procedure for the filing of notice of
171 protests and formal written protests. The Administration
172 Commission may prescribe the form and substantive provisions of
173 a required bond.

174 4. Uniform rules of procedure for the filing of petitions
175 for administrative hearings pursuant to s. 120.569 or s. 120.57.
176 Such rules shall require the petition to include:

177 a. The identification of the petitioner, including the
178 petitioner's e-mail address, if any, for the transmittal of
179 subsequent documents by electronic means.

180 b. A statement of when and how the petitioner received
181 notice of the agency's action or proposed action.

182 c. An explanation of how the petitioner's substantial
183 interests are or will be affected by the action or proposed
184 action.

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185 d. A statement of all material facts disputed by the
186 petitioner or a statement that there are no disputed facts.

187 e. A statement of the ultimate facts alleged, including a
188 statement of the specific facts the petitioner contends warrant
189 reversal or modification of the agency's proposed action.

190 f. A statement of the specific rules or statutes that the
191 petitioner contends require reversal or modification of the
192 agency's proposed action, including an explanation of how the
193 alleged facts relate to the specific rules or statutes.

194 g. A statement of the relief sought by the petitioner,
195 stating precisely the action petitioner wishes the agency to
196 take with respect to the proposed action.

197 5. Uniform rules for the filing of request for
198 administrative hearing by a respondent in agency enforcement and
199 disciplinary actions. Such rules shall require a request to
200 include:

201 a. The name, address, e-mail address, and telephone number
202 of the party making the request and the name, address, and
203 telephone number of the party's counsel or qualified
204 representative upon whom service of pleadings and other papers
205 shall be made;

206 b. A statement that the respondent is requesting an
207 administrative hearing and disputes the material facts alleged
208 by the petitioner, in which case the respondent shall identify
209 those material facts that are in dispute, or that the respondent
210 is requesting an administrative hearing and does not dispute the
211 material facts alleged by the petitioner; and

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212 c. A reference by file number to the administrative
213 complaint that the party has received from the agency and the
214 date on which the agency pleading was received.

215
216 The agency may provide an election-of-rights form for the
217 respondent's use in requesting a hearing, so long as any form
218 provided by the agency calls for the information in sub-
219 subparagraphs a. through c. and does not impose any additional
220 requirements on a respondent in order to request a hearing,
221 unless such requirements are specifically authorized by law.

222 6. Uniform rules of procedure for the filing and prompt
223 disposition of petitions for declaratory statements. The rules
224 shall also describe the contents of the notices that must be
225 published in the Florida Administrative Weekly under s. 120.565,
226 including any applicable time limit for the filing of petitions
227 to intervene or petitions for administrative hearing by persons
228 whose substantial interests may be affected.

229 7. Provision of a method by which each agency head shall
230 provide a description of the agency's organization and general
231 course of its operations. The rules shall require that the
232 statement concerning the agency's organization and operations be
233 published on the agency's website.

234 8. Uniform rules establishing procedures for granting or
235 denying petitions for variances and waivers pursuant to s.
236 120.542.

237 Section 9. Paragraph (b) of subsection (4) of section
238 57.111, Florida Statutes, is amended to read:

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239 57.111 Civil actions and administrative proceedings
240 initiated by state agencies; attorneys' fees and costs.-

241 (4)

242 (b)1. To apply for an award under this section, the
243 attorney for the prevailing small business party must submit an
244 itemized affidavit to the court which first conducted the
245 adversarial proceeding in the underlying action, or by
246 electronic means through the division's website to the Division
247 of Administrative Hearings which shall assign an administrative
248 law judge, in the case of a proceeding pursuant to chapter 120,
249 which affidavit shall reveal the nature and extent of the
250 services rendered by the attorney as well as the costs incurred
251 in preparations, motions, hearings, and appeals in the
252 proceeding.

253 2. The application for an award of attorney's fees must be
254 made within 60 days after the date that the small business party
255 becomes a prevailing small business party.

256 Section 10. Paragraphs (c) and (d) of subsection (1) of
257 section 120.56, Florida Statutes, are amended to read:

258 120.56 Challenges to rules.-

259 (1) GENERAL PROCEDURES FOR CHALLENGING THE VALIDITY OF A
260 RULE OR A PROPOSED RULE.-

261 (c) The petition shall be filed by electronic means with
262 the division which shall, immediately upon filing, forward by
263 electronic means copies to the agency whose rule is challenged,
264 the Department of State, and the committee. Within 10 days after
265 receiving the petition, the division director shall, if the
266 petition complies with the requirements of paragraph (b), assign

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267 an administrative law judge who shall conduct a hearing within
268 30 days thereafter, unless the petition is withdrawn or a
269 continuance is granted by agreement of the parties or for good
270 cause shown. Evidence of good cause includes, but is not limited
271 to, written notice of an agency's decision to modify or withdraw
272 the proposed rule or a written notice from the chair of the
273 committee stating that the committee will consider an objection
274 to the rule at its next scheduled meeting. The failure of an
275 agency to follow the applicable rulemaking procedures or
276 requirements set forth in this chapter shall be presumed to be
277 material; however, the agency may rebut this presumption by
278 showing that the substantial interests of the petitioner and the
279 fairness of the proceedings have not been impaired.

280 (d) Within 30 days after the hearing, the administrative
281 law judge shall render a decision and state the reasons therefor
282 in writing. The division shall forthwith transmit by electronic
283 means copies of the administrative law judge's decision to the
284 agency, the Department of State, and the committee.

285 Section 11. Paragraph (a) of subsection (2) of section
286 120.569, Florida Statutes, is amended to read:

287 120.569 Decisions which affect substantial interests.—

288 (2) (a) Except for any proceeding conducted as prescribed
289 in s. 120.56, a petition or request for a hearing under this
290 section shall be filed with the agency. If the agency requests
291 an administrative law judge from the division, it shall so
292 notify the division by electronic means through the division's
293 website within 15 days after receipt of the petition or request.

294 A request for a hearing shall be granted or denied within 15

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295 days after receipt. On the request of any agency, the division
296 shall assign an administrative law judge with due regard to the
297 expertise required for the particular matter. The referring
298 agency shall take no further action with respect to a proceeding
299 under s. 120.57(1), except as a party litigant, as long as the
300 division has jurisdiction over the proceeding under s.
301 120.57(1). Any party may request the disqualification of the
302 administrative law judge by filing an affidavit with the
303 division prior to the taking of evidence at a hearing, stating
304 the grounds with particularity.

305 Section 12. Paragraph (d) of subsection (3) of section
306 120.57, Florida Statutes, is amended to read:

307 120.57 Additional procedures for particular cases.-

308 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO
309 CONTRACT SOLICITATION OR AWARD.-Agencies subject to this chapter
310 shall use the uniform rules of procedure, which provide
311 procedures for the resolution of protests arising from the
312 contract solicitation or award process. Such rules shall at
313 least provide that:

314 (d)1. The agency shall provide an opportunity to resolve
315 the protest by mutual agreement between the parties within 7
316 days, excluding Saturdays, Sundays, and state holidays, after
317 receipt of a formal written protest.

318 2. If the subject of a protest is not resolved by mutual
319 agreement within 7 days, excluding Saturdays, Sundays, and state
320 holidays, after receipt of the formal written protest, and if
321 there is no disputed issue of material fact, an informal
322 proceeding shall be conducted pursuant to subsection (2) and

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323 applicable agency rules before a person whose qualifications
324 have been prescribed by rules of the agency.

325 3. If the subject of a protest is not resolved by mutual
326 agreement within 7 days, excluding Saturdays, Sundays, and state
327 holidays, after receipt of the formal written protest, and if
328 there is a disputed issue of material fact, the agency shall
329 refer the protest to the division by electronic means through
330 the division's website for proceedings under subsection (1).

331 Section 13. Subsection (1) of section 552.40, Florida
332 Statutes, is amended to read:

333 552.40 Administrative remedy for alleged damage due to the
334 use of explosives in connection with construction materials
335 mining activities.—

336 (1) A person may initiate an administrative proceeding to
337 recover damages resulting from the use of explosives in
338 connection with construction materials mining activities by
339 filing a petition with the Division of Administrative Hearings
340 by electronic means through the division's website on a form
341 provided by it and accompanied by a filing fee of \$100 within
342 180 days after the occurrence of the alleged damage. If the
343 petitioner submits an affidavit stating that the petitioner's
344 annual income is less than 150 percent of the applicable federal
345 poverty guideline published in the Federal Register by the
346 United States Department of Health and Human Services, the \$100
347 filing fee must be waived.

348 Section 14. Paragraph (b) of subsection (4) of section
349 553.73, Florida Statutes, is amended to read:

350 553.73 Florida Building Code.—

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351 (4)

352 (b) Local governments may, subject to the limitations of
353 this section, adopt amendments to the technical provisions of
354 the Florida Building Code which apply solely within the
355 jurisdiction of such government and which provide for more
356 stringent requirements than those specified in the Florida
357 Building Code, not more than once every 6 months. A local
358 government may adopt technical amendments that address local
359 needs if:

360 1. The local governing body determines, following a public
361 hearing which has been advertised in a newspaper of general
362 circulation at least 10 days before the hearing, that there is a
363 need to strengthen the requirements of the Florida Building
364 Code. The determination must be based upon a review of local
365 conditions by the local governing body, which review
366 demonstrates by evidence or data that the geographical
367 jurisdiction governed by the local governing body exhibits a
368 local need to strengthen the Florida Building Code beyond the
369 needs or regional variation addressed by the Florida Building
370 Code, that the local need is addressed by the proposed local
371 amendment, and that the amendment is no more stringent than
372 necessary to address the local need.

373 2. Such additional requirements are not discriminatory
374 against materials, products, or construction techniques of
375 demonstrated capabilities.

376 3. Such additional requirements may not introduce a new
377 subject not addressed in the Florida Building Code.

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378 4. The enforcing agency shall make readily available, in a
379 usable format, all amendments adopted pursuant to this section.

380 5. Any amendment to the Florida Building Code shall be
381 transmitted within 30 days by the adopting local government to
382 the commission. The commission shall maintain copies of all such
383 amendments in a format that is usable and obtainable by the
384 public. Local technical amendments shall not become effective
385 until 30 days after the amendment has been received and
386 published by the commission.

387 6. Any amendment to the Florida Building Code adopted by a
388 local government pursuant to this paragraph shall be effective
389 only until the adoption by the commission of the new edition of
390 the Florida Building Code every third year. At such time, the
391 commission shall review such amendment for consistency with the
392 criteria in paragraph (9)(a) and adopt such amendment as part of
393 the Florida Building Code or rescind the amendment. The
394 commission shall immediately notify the respective local
395 government of the rescission of any amendment. After receiving
396 such notice, the respective local government may readopt the
397 rescinded amendment pursuant to the provisions of this
398 paragraph.

399 7. Each county and municipality desiring to make local
400 technical amendments to the Florida Building Code shall by
401 interlocal agreement establish a countywide compliance review
402 board to review any amendment to the Florida Building Code,
403 adopted by a local government within the county pursuant to this
404 paragraph, that is challenged by any substantially affected
405 party for purposes of determining the amendment's compliance

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406 with this paragraph. If challenged, the local technical
407 amendments shall not become effective until time for filing an
408 appeal pursuant to subparagraph 8. has expired or, if there is
409 an appeal, until the commission issues its final order
410 determining the adopted amendment is in compliance with this
411 subsection.

412 8. If the compliance review board determines such
413 amendment is not in compliance with this paragraph, the
414 compliance review board shall notify such local government of
415 the noncompliance and that the amendment is invalid and
416 unenforceable until the local government corrects the amendment
417 to bring it into compliance. The local government may appeal the
418 decision of the compliance review board to the commission. If
419 the compliance review board determines such amendment to be in
420 compliance with this paragraph, any substantially affected party
421 may appeal such determination to the commission. Any such appeal
422 shall be filed with the commission within 14 days of the board's
423 written determination. The commission shall promptly refer the
424 appeal to the Division of Administrative Hearings by electronic
425 means through the division's website for the assignment of an
426 administrative law judge. The administrative law judge shall
427 conduct the required hearing within 30 days, and shall enter a
428 recommended order within 30 days of the conclusion of such
429 hearing. The commission shall enter a final order within 30 days
430 thereafter. The provisions of chapter 120 and the uniform rules
431 of procedure shall apply to such proceedings. The local
432 government adopting the amendment that is subject to challenge
433 has the burden of proving that the amendment complies with this

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434 paragraph in proceedings before the compliance review board and
435 the commission, as applicable. Actions of the commission are
436 subject to judicial review pursuant to s. 120.68. The compliance
437 review board shall determine whether its decisions apply to a
438 respective local jurisdiction or apply countywide.

439 9. An amendment adopted under this paragraph shall include
440 a fiscal impact statement which documents the costs and benefits
441 of the proposed amendment. Criteria for the fiscal impact
442 statement shall include the impact to local government relative
443 to enforcement, the impact to property and building owners, as
444 well as to industry, relative to the cost of compliance. The
445 fiscal impact statement may not be used as a basis for
446 challenging the amendment for compliance.

447 10. In addition to subparagraphs 7. and 9., the commission
448 may review any amendments adopted pursuant to this subsection
449 and make nonbinding recommendations related to compliance of
450 such amendments with this subsection.

451 Section 15. Paragraph (b) of subsection (4) of section
452 961.03, Florida Statutes, is amended to read:

453 961.03 Determination of status as a wrongfully
454 incarcerated person; determination of eligibility for
455 compensation.—

456 (4)

457 (b) If the prosecuting authority responds as set forth in
458 paragraph (2)(b), and the court determines that the petitioner
459 is eligible under the provisions of s. 961.04, but the
460 prosecuting authority contests the nature, significance or
461 effect of the evidence of actual innocence, or the facts related

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462 to the petitioner's alleged wrongful incarceration, the court
463 shall set forth its findings and transfer the petition by
464 electronic means through the division's website to the division
465 for findings of fact and a recommended determination of whether
466 the petitioner has established that he or she is a wrongfully
467 incarcerated person who is eligible for compensation under this
468 act.

469 Section 16. This act shall take effect July 1, 2011.

470

471

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

472

Remove lines 3-16 and insert:

473

474 and other legal documents; creating ss. 27.341 and 27.5112,
475 F.S.; requiring each state attorney and public defender to
476 electronically file court documents with the clerk of the court
477 and receive court documents from the clerk of the court;
478 defining the term "court documents"; providing legislative
479 expectations that the state attorneys and public defenders
480 consult with specified entities; requiring the Florida
481 Prosecuting Attorneys Association and the Florida Public
482 Defender Association report to the President of the Senate and
483 the Speaker of the House of Representatives by a specified date
484 on the progress made to use the Florida Courts E-Portal system
485 or the clerks' offices portals to electronically file and
486 receive court documents; amending ss. 440.192 and 440.25, F.S.;
487 providing for electronic procedures for filing documents and
488 resolving benefit disputes in workers' compensation proceedings;
489 requiring a response to a petition for workers' compensation

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 443 (2011)

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490 benefits to be filed by approved electronic means; amending ss.
491 440.29 and 440.45, F.S.; requiring that the practice and
492 procedure before the judges of compensation claims be governed
493 by the Office of the Judges of Compensation Claims instead of
494 the Supreme Court; authorizing the Office of the Judges of
495 Compensation Claims to adopt rules to implement electronic
496 procedures; amending s. 120.52, F.S.; requiring use of
497 electronic procedures by those represented by an attorney;
498 amending s. 120.54, F.S.; requiring a petitioner requesting an
499 administrative hearing to include the petitioner's e-mail
500 address; amending ss. 57.111, 120.56, 120.569, 120.57, 552.40,
501 553.73, and 961.03, F.S.; providing for electronic procedures in
502 administrative proceedings; providing an effective date.

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COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative(s) McBurney offered the following:

Amendment (with title amendment)

3
 4 Remove lines 72-73 and insert:
 5 ~~affecting~~ the right of parties to create liens or limitations on
 6 the value of property by special contract or agreement or ~~nor~~
 7 ~~shall it in~~
 8

9
 10
 11 -----
 12 **T I T L E A M E N D M E N T**

13 Remove line 11 and insert:
 14 liens and limitations on the value of property; requiring rental

W

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1111 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Committee/Subcommittee hearing bill: Judiciary Committee
 Representative(s) Mayfield offered the following:

Amendment

Remove lines 161-720 and insert:

(8)-(4) "Home state" means the state or foreign country in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

(9)-(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this state.

(10)-(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the income deduction law of this state, or payor

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20 as defined by s. 61.046, to withhold support from the income of
21 the obligor.

22 ~~(7) "Initiating state" means a state from which a~~
23 ~~proceeding is forwarded or in which a proceeding is filed for~~
24 ~~forwarding to a responding state under this act or a law or~~
25 ~~procedure substantially similar to this act, the Uniform~~
26 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
27 ~~Reciprocal Enforcement of Support Act.~~

28 (11)~~(8)~~ "Initiating tribunal" means the authorized
29 tribunal of a state or foreign country from which a petition or
30 comparable pleading is forwarded or in which a petition or
31 comparable pleading is filed for forwarding to another state or
32 foreign country in an initiating state.

33 (12) "Issuing foreign country" means the foreign country
34 in which a tribunal issues a support order or a judgment
35 determining parentage of a child.

36 (13)~~(9)~~ "Issuing state" means the state in which a
37 tribunal issues a support order or renders a judgment
38 determining parentage of a child.

39 (14)~~(10)~~ "Issuing tribunal" means the tribunal of a state
40 or foreign country that issues a support order or ~~renders~~ a
41 judgment determining parentage of a child.

42 (15)~~(11)~~ "Law" includes decisional and statutory law and
43 rules and regulations having the force of law.

44 (16)~~(12)~~ "Obligee" means:

45 (a) An individual to whom a duty of support is or is
46 alleged to be owed or in whose favor a support order ~~has been~~

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47 ~~issued~~ or a judgment determining parentage of a child has been
48 issued rendered;

49 (b) A foreign country, state or political subdivision of a
50 state to which the rights under a duty of support or support
51 order have been assigned or which has independent claims based
52 on financial assistance provided to an individual obligee in
53 place of child support; or

54 (c) An individual seeking a judgment determining parentage
55 of the individual's child; or

56 (d) A person that is a creditor in a proceeding under part
57 VII of this chapter.

58 (17) ~~(13)~~ "Obligor" means an individual, or the estate of a
59 decedent that:

60 (a) ~~Who~~ Owes or is alleged to owe a duty of support;

61 (b) ~~Who~~ Is alleged but has not been adjudicated to be a
62 parent of a child; or

63 (c) ~~Who~~ Is liable under a support order.

64 (d) Is a debtor in a proceeding under part VII.

65 (18) "Outside this state" means a location in another
66 state or a country other than the United States, whether or not
67 the country is a foreign country.

68 (19) "Person" means an individual, corporation, business
69 trust, estate, trust, partnership, limited liability company,
70 association, joint venture, public corporation, government, or
71 governmental subdivision, agency, or instrumentality or any
72 other legal or commercial entity.

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73 (20) "Record" means information that is inscribed on a
74 tangible medium or that is stored in an electronic or other
75 medium that is retrievable in perceivable form.

76 (21)-(14) "Register" means to record or file in a tribunal
77 of this state a support order or judgment determining parentage
78 of a child issued in another state or a foreign country in the
79 Registry of Foreign Support Orders of the circuit court, or
80 other appropriate location for the recording or filing of
81 foreign judgments generally or foreign support orders
82 specifically.

83 (22)-(15) "Registering tribunal" means a tribunal in which
84 a support order or judgment determining parentage of a child is
85 registered.

86 (23)-(16) "Responding state" means a state in which a
87 petition or comparable pleading for support or to determine
88 parentage of a child proceeding is filed or to which a petition
89 or comparable pleading proceeding is forwarded for filing from
90 another state or a foreign country an initiating state under
91 this act or a law or procedure substantially similar to this
92 act, the Uniform Reciprocal Enforcement of Support Act, or the
93 Revised Uniform Reciprocal Enforcement of Support Act.

94 (24)-(17) "Responding tribunal" means the authorized
95 tribunal in a responding state or a foreign country.

96 (25)-(18) "Spousal-support order" means a support order for
97 a spouse or former spouse of the obligor.

98 (26)-(19) "State" means a state of the United States, the
99 District of Columbia, Puerto Rico, the United States Virgin

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100 Islands, or any territory or insular possession under ~~subject to~~
101 the jurisdiction of the United States. The term includes:

102 ~~(a) an Indian nation or tribe; and~~

103 ~~(b) A foreign jurisdiction that has enacted a law or~~
104 ~~established procedures for issuance and enforcement of support~~
105 ~~orders which are substantially similar to the procedures under~~
106 ~~this act, the Uniform Reciprocal Enforcement of Support Act, or~~
107 ~~the Revised Uniform Reciprocal Enforcement of Support Act, as~~
108 ~~determined by the Attorney General.~~

109 ~~(27)(20)~~ "Support enforcement agency" means a public
110 official, governmental entity, or private ~~or~~ agency authorized
111 to seek:

112 (a) Seek enforcement of support orders or laws relating to
113 the duty of support;

114 (b) Seek establishment or modification of child support;

115 (c) Request determination of parentage of a child; ~~or~~

116 (d) Attempt to locate obligors or their assets; or

117 (e) Request determination of the controlling child support
118 order.

119 ~~(28)(21)~~ "Support order" means a judgment, decree, ~~or~~
120 order, decision, or directive, whether temporary, final, or
121 subject to modification, issued in a state or foreign country
122 for the benefit of a child, a spouse, or a former spouse, which
123 provides for monetary support, health care, arrearages,
124 retroactive support, or reimbursement for financial assistance
125 provided to an individual obligee in place of child support. The
126 term, ~~and~~ may include related costs and fees, interest, income

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127 withholding, automatic adjustment, reasonable attorney's fees,
128 and other relief.

129 ~~(29)-(22)~~ "Tribunal" means a court, administrative agency,
130 or quasi-judicial entity authorized to establish, enforce, or
131 modify support orders or to determine parentage of a child.

132 Section 2. Section 88.1021, Florida Statutes, is amended
133 to read:

134 88.1021 ~~Tribunal of State~~ tribunal and support enforcement
135 agency.—

136 (1) The circuit court or other appropriate court,
137 administrative agency, quasi-judicial entity, or combination is
138 the tribunal of this state.

139 (2) The Department of Revenue is the support enforcement
140 agency of this state.

141 Section 3. Section 88.1031, Florida Statutes, is amended
142 to read:

143 88.1031 Remedies cumulative.—

144 (1) Remedies provided by this act are cumulative and do
145 not affect the availability of remedies under other law, or the
146 recognition of a foreign support order on the basis of comity.

147 (2) This act does not:

148 (a) Provide the exclusive method of establishing or
149 enforcing a support order under the law of this state; or

150 (b) Grant a tribunal of this state jurisdiction to render
151 judgment or issue an order relating to child custody or
152 visitation in a proceeding under this act.

153 Section 4. Section 88.1041, Florida Statutes, is created
154 to read:

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155 88.1041 Application of act to resident of foreign country
156 and foreign support proceeding.-

157 (1) A tribunal of this state shall apply parts I through
158 VI of this chapter, and, as applicable, part VII of this
159 chapter, to a support proceeding involving:

160 (a) A foreign support order;

161 (b) A foreign tribunal; or

162 (c) An obligee, obligor, or child residing in a foreign
163 country.

164 (2) A tribunal of this state that is requested to
165 recognize and enforce a support order on the basis of comity may
166 apply the procedural and substantive provisions of parts I
167 through VI of this chapter.

168 (3) Part VII of this chapter applies only to a support
169 proceeding under the convention. In such a proceeding, if a
170 provision of part VII of this chapter is inconsistent with parts
171 I through VI of this chapter, part VII of this chapter controls.

172 Section 5. Section 88.2011, Florida Statutes, is amended
173 to read:

174 88.2011 Bases for jurisdiction over nonresident.-

175 (1) In a proceeding to establish ~~or~~, enforce, ~~or modify~~ a
176 support order or to determine parentage of a child, a tribunal
177 of this state may exercise personal jurisdiction over a
178 nonresident individual or the individual's guardian or
179 conservator if:

180 (a) ~~(1)~~ The individual is personally served with citation,
181 summons, or notice within this state;

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182 ~~(b)(2)~~ The individual submits to the jurisdiction of this
183 state by consent in a record, by entering a general appearance,
184 or by filing a responsive document having the effect of waiving
185 any contest to personal jurisdiction;

186 ~~(c)(3)~~ The individual resided with the child in this
187 state;

188 ~~(d)(4)~~ The individual resided in this state and provided
189 prenatal expenses or support for the child;

190 ~~(e)(5)~~ The child resides in this state as a result of the
191 acts or directives of the individual;

192 ~~(f)(6)~~ The individual engaged in sexual intercourse in
193 this state and the child may have been conceived by that act of
194 intercourse;

195 ~~(g)(7)~~ The individual asserted parentage of a child in a
196 tribunal or in a putative father registry maintained in this
197 state by the appropriate agency; or

198 ~~(h)(8)~~ There is any other basis consistent with the
199 constitutions of this state and the United States for the
200 exercise of personal jurisdiction.

201 (2) The bases of personal jurisdiction set forth in
202 subsection (1) or in any other law of this state may not be used
203 to acquire personal jurisdiction for tribunal of this state to
204 modify a child support order of another state unless the
205 requirements of s. 88.6111 are met, or, in the case of a foreign
206 support order, unless the requirements of s. 88.6151 are met.

207 Section 6. Section 88.2021, Florida Statutes, is amended
208 to read:

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209 88.2021 Duration of personal Procedure when exercising
210 jurisdiction over nonresident.—Personal jurisdiction acquired by
211 a tribunal of this state in a proceeding under this act or other
212 law of this state relating to a support order continues as long
213 as a tribunal of this state has continuing, exclusive
214 jurisdiction to modify its order or continuing jurisdiction to
215 enforce its order as provided by ss. 88.2051, 88.2061, and
216 88.2111 ~~A tribunal of this state exercising personal~~
217 ~~jurisdiction over a nonresident under s. 88.2011 may apply s.~~
218 ~~88.3161 (special rules of evidence and procedure) to receive~~
219 ~~evidence from another state, and s. 88.3181 (assistance with~~
220 ~~discovery) to obtain discovery through a tribunal of another~~
221 ~~state. In all other respects, parts III through VII of this~~
222 ~~chapter do not apply and the tribunal shall apply the procedural~~
223 ~~and substantive law of this state, including the rules on choice~~
224 ~~of law other than those established by this act.~~

225 Section 7. Section 88.2031, Florida Statutes, is amended
226 to read:

227 88.2031 Initiating and responding tribunal of state.—Under
228 this act, a tribunal of this state may serve as an initiating
229 tribunal to forward proceedings to a tribunal of another state
230 and as a responding tribunal for proceedings initiated in
231 another state or a foreign country.

232 Section 8. Section 88.2041, Florida Statutes, is amended
233 to read:

234 88.2041 Simultaneous proceedings in another state.—

235 (1) A tribunal of this state may exercise jurisdiction to
236 establish a support order if the petition or comparable pleading

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237 is filed after a petition or comparable pleading is filed in
238 another state or a foreign country only if:

239 (a) The petition or comparable pleading in this state is
240 filed before the expiration of the time allowed in the other
241 state or the foreign country for filing a responsive pleading
242 challenging the exercise of jurisdiction by the other state or
243 the foreign country;

244 (b) The contesting party timely challenges the exercise of
245 jurisdiction in the other state or the foreign country; and

246 (c) If relevant, this state is the home state of the
247 child.

248 (2) A tribunal of this state may not exercise jurisdiction
249 to establish a support order if the petition or comparable
250 pleading is filed before a petition or comparable pleading is
251 filed in another state or a foreign country if:

252 (a) The petition or comparable pleading in the other state
253 or foreign country is filed before the expiration of the time
254 allowed in this state for filing a responsive pleading
255 challenging the exercise of jurisdiction by this state;

256 (b) The contesting party timely challenges the exercise of
257 jurisdiction in this state; and

258 (c) If relevant, the other state or the foreign country is
259 the home state of the child.

260 Section 9. Section 88.2051, Florida Statutes, is amended
261 to read:

262 88.2051 Continuing exclusive jurisdiction.-

263 (1) A tribunal of this state that has issued ~~issuing~~ a
264 child support order consistent with the law of this state has

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265 and shall exercise continuing, exclusive jurisdiction to modify
266 its ~~over~~ a child support order if the order is the controlling
267 order and:

268 (a) At the time of the filing of a request for
269 modification, ~~As long as~~ this state ~~is~~ ~~remains~~ the residence of
270 the obligor, the individual obligee, or the child for whose
271 benefit the support order is issued; or

272 (b) Even if this state is not the residence of the
273 obligor, the individual obligee, or the child for whose benefit
274 the support order is issued, the parties consent in a record or
275 in open court that the tribunal of this state may continue to
276 exercise jurisdiction to modify its order ~~Until all of the~~
277 ~~parties who are individuals have filed written consents with the~~
278 ~~tribunal of this state for a tribunal of another state to modify~~
279 ~~the order and assume continuing exclusive jurisdiction.~~

280 (2) A tribunal of this state that has issued ~~issuing~~ a
281 child support order consistent with the law of this state may
282 not exercise ~~its~~ continuing, exclusive jurisdiction to modify
283 the order if: ~~the order has been modified by a tribunal of~~
284 ~~another state pursuant to this act or a law substantially~~
285 ~~similar to this act.~~

286 (a) All of the parties who are individuals file consent in
287 a record with the tribunal of this state that a tribunal of
288 another state that has jurisdiction over at least one of the
289 parties who is an individual or that is located in the state of
290 residence of the child may modify the order and assume
291 continuing, exclusive jurisdiction; or

292 (b) Its order is not the controlling order.

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293 ~~(3) If a child support order of this state is modified by~~
294 ~~a tribunal of another state pursuant to this act or a law~~
295 ~~substantially similar to this act, a tribunal of this state~~
296 ~~loses its continuing exclusive jurisdiction with regard to~~
297 ~~prospective enforcement of the order issued in this state, and~~
298 ~~may only:~~

299 ~~(a) Enforce the order that was modified as to amounts~~
300 ~~accruing before the modification;~~

301 ~~(b) Enforce nonmodifiable aspects of that order; and~~

302 ~~(c) Provide other appropriate relief for violations of~~
303 ~~that order which occurred before the effective date of the~~
304 ~~modification.~~

305 ~~(3)(4) If a tribunal of this state shall recognize the~~
306 ~~continuing exclusive jurisdiction of a tribunal of another state~~
307 ~~which has issued a child support order pursuant to this act or a~~
308 ~~law substantially similar to this act which modifies a child~~
309 ~~support order of a tribunal of this state, tribunals of this~~
310 ~~state shall recognize the continuing, exclusive jurisdiction of~~
311 ~~the tribunal of the other state.~~

312 ~~(4) A tribunal of this state that lacks continuing,~~
313 ~~exclusive jurisdiction to modify a child support order may serve~~
314 ~~as an initiating tribunal to request a tribunal of another state~~
315 ~~to modify a support order issued in that state.~~

316 (5) A temporary support order issued ex parte or pending
317 resolution of a jurisdictional conflict does not create
318 continuing exclusive jurisdiction in the issuing tribunal.

319 ~~(6) A tribunal of this state issuing a support order~~
320 ~~consistent with the law of this state has continuing exclusive~~

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321 ~~jurisdiction over a spousal support order throughout the~~
322 ~~existence of the support obligation. A tribunal of this state~~
323 ~~may not modify a spousal support order issued by a tribunal of~~
324 ~~another state having continuing exclusive jurisdiction over that~~
325 ~~order under the law of that state.~~

326 Section 10. Section 88.2061, Florida Statutes, is amended
327 to read:

328 88.2061 ~~Enforcement and modification of support order by~~
329 ~~tribunal having Continuing jurisdiction to enforce child support~~
330 ~~order.~~

331 (1) A tribunal of this state that has issued a child
332 support order consistent with the law of this state may serve as
333 an initiating tribunal to request a tribunal of another state to
334 enforce; ~~or modify a support order issued in that state.~~

335 (a) The order if the order is the controlling order and
336 has not been modified by a tribunal of another state that
337 assumed jurisdiction pursuant to the Uniform Interstate Family
338 Support Act; or

339 (b) A money judgment for arrears of support and interest
340 on the order accrued before a determination that an order of a
341 tribunal of another state is the controlling order.

342 (2) A tribunal of this state having continuing ~~exclusive~~
343 jurisdiction over a support order may act as a responding
344 tribunal to enforce ~~or modify~~ the order. ~~If a party subject to~~
345 ~~the continuing exclusive jurisdiction of the tribunal no longer~~
346 ~~resides in the issuing state, in subsequent proceedings the~~
347 ~~tribunal may apply s. 88.3161 (special rules of evidence and~~
348 ~~procedure) to receive evidence from another state and s. 88.3181~~

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349 ~~(assistance with discovery) to obtain discovery through a~~
350 ~~tribunal of another state.~~

351 ~~(3) A tribunal of this state which lacks continuing~~
352 ~~exclusive jurisdiction over a spousal support order may not~~
353 ~~serve as a responding tribunal to modify a spousal support order~~
354 ~~of another state.~~

355 Section 11. Section 88.2071, Florida Statutes, is amended
356 to read:

357 88.2071 Determination Recognition of controlling child
358 support order.—

359 (1) If a proceeding is brought under this act and only one
360 tribunal has issued a child support order, the order of that
361 tribunal controls and must be ~~se~~ recognized.

362 (2) If a proceeding is brought under this act, and two or
363 more child support orders have been issued by tribunals of this
364 state, ~~or~~ another state, or a foreign country with regard to the
365 same obligor and the same child, a tribunal of this state having
366 personal jurisdiction over both the obligor and individual
367 obligee shall apply the following rules and by order shall
368 determine in determining which order controls and must be
369 recognized to recognize for purposes of continuing, exclusive
370 jurisdiction:

371 (a) If only one of the tribunals would have continuing,
372 exclusive jurisdiction under this act, the order of that
373 tribunal controls and ~~must be so~~ recognized.

374 (b) If more than one of the tribunals would have
375 continuing, exclusive jurisdiction under this act: 7

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376 1. An order issued by a tribunal in the current home state
377 of the child controls; ~~or and must be so recognized, but~~

378 2. If an order has not been issued in the current home
379 state of the child, the order most recently issued controls and
380 ~~must be so recognized.~~

381 (c) If none of the tribunals would have continuing,
382 exclusive jurisdiction under this act, the tribunal of this
383 state ~~having jurisdiction over the parties~~ shall issue a child
384 support order, which controls and ~~must be so recognized.~~

385 (3) If two or more child support orders have been issued
386 for the same obligor and the same child, upon request of a and
387 ~~if the obligor or the individual obligee resides in this state,~~
388 a party who is an individual or that is a support enforcement
389 agency, may request a tribunal of this state having personal
390 jurisdiction over both the obligor and the obligee who is an
391 individual shall ~~to~~ determine which order controls and ~~must be~~
392 ~~so recognized~~ under subsection (2). The request may be filed
393 with a registration for enforcement or registration for
394 modification pursuant to part VI of this chapter, or may be
395 filed as a separate proceeding ~~must be accompanied by a~~
396 ~~certified copy of every support order in effect. The requesting~~
397 ~~party shall give notice of the request to each party whose~~
398 ~~rights may be affected by the determination.~~

399 (4) A request to determine which is the controlling order
400 must be accompanied by a copy of every child support order in
401 effect and the applicable record of payments. The requesting
402 party shall give notice of the request to each party whose
403 rights may be affected by the determination.

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404 (5)(4) The tribunal that issued the controlling order
405 under subsection (1), subsection (2), or subsection (3) ~~is the~~
406 ~~tribunal that~~ has continuing, ~~exclusive~~ jurisdiction to the
407 extent provided in ss. under s. 88.2051 or 88.2061.

408 (6)(5) A tribunal of this state that ~~which~~ determines by
409 order which is ~~the identity of~~ the controlling order under
410 paragraph (2)(a), ~~or~~ paragraph (2)(b), or subsection (3) or that
411 ~~which~~ issues a new controlling order under paragraph (2)(c)
412 shall state in that order:

413 (a) The basis upon which the tribunal made its
414 determination.

415 (b) The amount of prospective support, if any; and

416 (c) The total amount of consolidated arrears and accrued
417 interest, if any, under all of the orders after all payments
418 made are credited as provided by s. 88.2091.

419 (7)(6) Within 30 days after issuance of an order
420 determining which is ~~the identity of~~ the controlling order, the
421 party obtaining the order shall file a certified copy of it in
422 ~~with~~ each tribunal that issued or registered an earlier order of
423 child support. A party or support enforcement agency obtaining
424 ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is
425 subject to appropriate sanctions by a tribunal in which the
426 issue of failure to file arises. The failure to file does not
427 affect the validity or enforceability of the controlling order.

428 (8) An order that has been determined to be the
429 controlling order, or a judgment for consolidated arrears of
430 support and interest, if any, made pursuant to this section must
431 be recognized in proceedings under this act.

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432 Section 12. Section 88.2081, Florida Statutes, is amended
433 to read:

434 88.2081 ~~Multiple~~ Child support orders for two or more
435 obligees.—In responding to ~~multiple~~ registrations, petitions, or
436 comparable pleadings for enforcement of two or more child
437 support orders in effect at the same time with regard to the
438 same obligor and different individual obligees, at least one of
439 which was issued by a tribunal of another state or a foreign
440 country, a tribunal of this state shall enforce those orders in
441 the same manner as if the ~~multiple~~ orders had been issued by a
442 tribunal of this state.

443 Section 13. Section 88.2091, Florida Statutes, is amended
444 to read:

445 88.2091 Credit for payments.—A tribunal of this state
446 shall credit amounts collected ~~and credited~~ for a particular
447 period pursuant to any child support order against the amounts
448 owed for the same period under any other child support order for
449 support of the same child a support order issued by a tribunal
450 of another state must be credited against the amounts accruing
451 or accrued for the same period under a support order issued by
452 the tribunal of this state, another state, or a foreign country.

453 Section 14. Section 88.2101, Florida Statutes, is created
454 to read:

455 88.2101 Application of act to nonresident subject to
456 personal jurisdiction.—A tribunal of this state exercising
457 personal jurisdiction over a nonresident in a proceeding under
458 this act, under another law of this state relating to a support
459 order, or recognizing a foreign support order may receive

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460 evidence from outside this state pursuant to s. 88.3161,
461 communicate with a tribunal outside this state pursuant to s.
462 88.3171, and obtain discovery through a tribunal outside this
463 state pursuant to s. 88.3181. In all other respects, parts III
464 through VI of this chapter do not apply, and the tribunal shall
465 apply the procedural and substantive law of this state.

466 Section 15. Section 88.2111, Florida Statutes, is created
467 to read:

468 88.2111 Continuing, exclusive jurisdiction to modify
469 spousal support order.-

470 (1) A tribunal of this state issuing a spousal support
471 order consistent with the law of this state has continuing,
472 exclusive jurisdiction to modify the spousal support order
473 throughout the existence of the support obligation.

474 (2) A tribunal of this state may not modify a spousal
475 support order issued by a tribunal of another state or foreign
476 country having continuing, exclusive jurisdiction over that
477 order under the law of that state or foreign country.

478 (3) A tribunal of this state that has continuing,
479 exclusive jurisdiction over a spousal support order may serve
480 as:

481 (a) An initiating tribunal to request a tribunal of
482 another state to enforce the spousal support order issued in
483 this state; or

484 (b) A responding tribunal to enforce or modify its own
485 spousal support order.

486 Section 16. Section 88.3011, Florida Statutes, is amended
487 to read:

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488 88.3011 Proceedings under this act.—

489 (1) Except as otherwise provided in this act, this part
490 ~~article~~ applies to all proceedings under this act.

491 ~~(2) This act provides for the following proceedings:~~

492 ~~(a) Establishment of an order for spousal support or child~~
493 ~~support pursuant to part IV;~~

494 ~~(b) Enforcement of a support order and income-withholding~~
495 ~~order of another state without registration pursuant to part V;~~

496 ~~(c) Registration of an order for spousal support or child~~
497 ~~support of another state for enforcement pursuant to part VI;~~

498 ~~(d) Modification of an order for child support or spousal~~
499 ~~support issued by a tribunal of this state pursuant to ss.~~

500 ~~88.2031-88.2061;~~

501 ~~(e) Registration of an order for child support of another~~
502 ~~state for modification pursuant to part VI;~~

503 ~~(f) Determination of parentage pursuant to part VII; and~~

504 ~~(g) Assertion of jurisdiction over nonresidents pursuant~~
505 ~~to ss. 88.2011-88.2021.~~

506 (2)~~(3)~~ An individual petitioner or a support enforcement
507 agency may initiate ~~commence~~ a proceeding authorized under this
508 act by filing a petition or a comparable pleading in an
509 initiating tribunal for forwarding to a responding tribunal or
510 by filing a petition or a comparable pleading directly in a
511 tribunal of another state or a foreign country which has or can
512 obtain personal jurisdiction over the respondent.

513 Section 17. Section 88.3021, Florida Statutes, is amended
514 to read:

Amendment No. 1

515 88.3021 Proceeding ~~Action~~ by minor parent.—A minor parent,
516 or a guardian or other legal representative of a minor parent,
517 may maintain a proceeding on behalf of or for the benefit of the
518 minor's child.

519 Section 18. Section 88.3031, Florida Statutes, is amended
520 to read:

521 88.3031 Application of law of state.—Except as otherwise
522 provided in ~~by~~ this act, a responding tribunal of this state
523 shall:

524 (1) ~~Shall~~ Apply the procedural and substantive law,
525 ~~including the rules on choice of law,~~ generally applicable to
526 similar proceedings originating in this state and may exercise
527 all powers and provide all remedies available in those
528 proceedings; and

529 (2) ~~Shall~~ Determine the duty of support and the amount
530 payable in accordance with the law and support guidelines of
531 this state.

532 Section 19. Section 88.3041, Florida Statutes, is amended
533 to read:

534 88.3041 Duties of initiating tribunal.—

535 (1) Upon the filing of a petition or comparable pleading
536 authorized by this act, an initiating tribunal of this state
537 shall forward ~~three copies of~~ the petition and its accompanying
538 documents or a comparable pleading and its accompanying
539 documents:

540 (a) To the responding tribunal or appropriate support
541 enforcement agency in the responding state; or

Amendment No. 1

542 (b) If the identity of the responding tribunal is unknown,
543 to the state information agency of the responding state with a
544 request that they be forwarded to the appropriate tribunal and
545 that receipt be acknowledged.

546 (2) If requested by the responding tribunal ~~a responding~~
547 ~~state has not enacted this act or a law or procedure~~
548 ~~substantially similar to this act~~, a tribunal of this state
549 shall ~~may~~ issue a certificate or other document and make
550 findings required by the law of the responding state. If the
551 responding tribunal state is in a foreign country jurisdiction,
552 upon request the tribunal of this state shall ~~may~~ specify the
553 amount of support sought, convert that amount into the
554 equivalent amount in the foreign currency under applicable
555 official or market exchange rate as publicly reported, and
556 provide any other documents necessary to satisfy the
557 requirements of the responding foreign tribunal state.

558 Section 20. Section 88.3051, Florida Statutes, is amended
559 to read:

560 88.3051 Duties and powers of responding tribunal.—

561 (1) When a responding tribunal of this state receives a
562 petition or comparable pleading from an initiating tribunal or
563 directly pursuant to s. 88.3011(2)(3), it shall cause the
564 petition or comparable pleading to be filed and notify the
565 petitioner where and when it was filed.

566 (2) A responding tribunal of this state, to the extent not
567 prohibited ~~otherwise authorized~~ by other law, may do one or more
568 of the following:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1111 (2011)

Amendment No. 1

569 (a) Establish Issue or enforce a support order, modify a
570 child support order, determine the controlling child support
571 order, or ~~render a judgment to~~ determine parentage of a child.

572 (b) Order an obligor to comply with a support order,
573 specifying the amount and the manner of compliance.

574 (c) Order income withholding.

575 (d) Determine the amount of any arrearages, and specify a
576 method of payment.

577 (e) Enforce orders by civil or criminal contempt, or both.

578 (f) Set aside property for satisfaction of the support
579 order.

580 (g) Place liens and order execution on the obligor's
581 property.

582 (h) Order an obligor to keep the tribunal informed of the
583 obligor's current residential address, electronic mail address,
584 telephone number,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1111 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

2

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative(s) Mayfield offered the following:

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10

Amendment

Remove lines 1009-1012 and insert:

- (a) The individual seeking the order resides outside this
~~in another~~ state; or
- (b) The support enforcement agency seeking the order is
located outside this ~~in another~~ state.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

5 Remove lines 108-111 and insert:
 6 egress is exempt from installing, maintaining, or uninstalling a
 7 manual fire alarm system as required in s. 9.6 of the most
 8 recent edition of the Life Safety Code adopted in the Florida
 9 Fire Prevention Code.

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

14 Remove line 5 and insert:
 15 to install, maintain, or uninstall a manual fire alarm system;
 16 amending s.

OW

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment

5 Remove lines 596-643 and insert:
 6 does not affect the validity of any board action.

7 5.4. Any approval by unit owners called for by this
 8 chapter or the applicable declaration or bylaws, including, but
 9 not limited to, the approval requirement in s. 718.111(8), must
 10 ~~shall~~ be made at a duly noticed meeting of unit owners and is
 11 subject to all requirements of this chapter or the applicable
 12 condominium documents relating to unit owner decisionmaking,
 13 except that unit owners may take action by written agreement,
 14 without meetings, on matters for which action by written
 15 agreement without meetings is expressly allowed by the
 16 applicable bylaws or declaration or any law ~~statute~~ that
 17 provides for such action.

18 6.5. Unit owners may waive notice of specific meetings if
 19 allowed by the applicable bylaws or declaration or any law

Amendment No. 2

20 ~~statute~~. If authorized by the bylaws, notice of meetings of the
21 board of administration, unit owner meetings, except unit owner
22 meetings called to recall board members under paragraph (j), and
23 committee meetings may be given by electronic transmission to
24 unit owners who consent to receive notice by electronic
25 transmission.

26 ~~7.6-~~ Unit owners shall have the right to participate in
27 meetings of unit owners with reference to all designated agenda
28 items. However, the association may adopt reasonable rules
29 governing the frequency, duration, and manner of unit owner
30 participation.

31 ~~8.7-~~ A Any unit owner may tape record or videotape a
32 meeting of the unit owners subject to reasonable rules adopted
33 by the division.

34 ~~9.8-~~ Unless otherwise provided in the bylaws, any vacancy
35 occurring on the board before the expiration of a term may be
36 filled by the affirmative vote of the majority of the remaining
37 directors, even if the remaining directors constitute less than
38 a quorum, or by the sole remaining director. In the alternative,
39 a board may hold an election to fill the vacancy, in which case
40 the election procedures must conform to ~~the requirements of sub-~~
41 subparagraph 4.a. ~~3.a.~~ unless the association governs 10 units
42 or fewer and has opted out of the statutory election process, in
43 which case the bylaws of the association control. Unless
44 otherwise provided in the bylaws, a board member appointed or
45 elected under this section shall fill the vacancy for the
46 unexpired term of the seat being filled. Filling vacancies

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 2

47 | created by recall is governed by paragraph (j) and rules adopted
48 | by the division.

49 | 10. This chapter does not limit the use of general or
50 | limited proxies, require the use of general or limited proxies,
51 | or require the use of a written ballot or voting machine for any
52 | agenda item or election at any meeting of a timeshare
53 | condominium association.

54 |

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove lines 732-835 and insert:

Section 6. Paragraph (b) of subsection (1), subsection (3), paragraph (b) of subsection (5), and subsection (11) of section 718.116, Florida Statutes, are amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.-

(1)

(b)1. The liability of a first mortgagee or its successor or assignees who acquire title to a unit by foreclosure or by deed in lieu of foreclosure for the unpaid assessments that became due before the mortgagee's acquisition of title is limited to the lesser of:

a.1. The unit's unpaid common expenses and regular periodic assessments which accrued or came due during the 12 months immediately preceding the acquisition of title and for

Amendment No. 3

20 which payment in full has not been received by the association;

21 or

22 b.2. One percent of the original mortgage debt. The
23 provisions of this paragraph apply only if the first mortgagee
24 joined the association as a defendant in the foreclosure action.
25 Joinder of the association is not required if, on the date the
26 complaint is filed, the association was dissolved or did not
27 maintain an office or agent for service of process at a location
28 which was known to or reasonably discoverable by the mortgagee.

29 2. An association, or its successor or assignee that
30 acquires title to a unit through the foreclosure of its lien for
31 assessments is not liable for any unpaid assessments, late fees,
32 interest, or reasonable attorney's fees and costs that came due
33 before the association's acquisition of title in favor of any
34 other association, as defined in s. 718.103(2) or s. 720.301(9),
35 which holds a superior lien interest on the unit. This paragraph
36 is intended to clarify existing law.

37 (3) Assessments and installments on assessments which are
38 not paid when due bear interest at the rate provided in the
39 declaration, from the due date until paid. ~~The~~ ~~This~~ rate may not
40 exceed the rate allowed by law, and, if no rate is provided in
41 the declaration, interest accrues at the rate of 18 percent per
42 year. ~~Also,~~ If provided by the declaration or bylaws, the
43 association may, in addition to such interest, charge an
44 administrative late fee of up to the greater of \$25 or 5 percent
45 of ~~each installment of the assessment for~~ each delinquent
46 installment for which the payment is late. Any payment received
47 by an association must be applied first to any interest accrued

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 3

48 | by the association, then to any administrative late fee, then to
49 | any costs and reasonable attorney's fees incurred in collection,
50 | and then to the delinquent assessment. The foregoing is
51 | applicable notwithstanding any restrictive endorsement,
52 | designation, or instruction placed on or accompanying a payment.
53 | A late fee is not subject to chapter 687 or s. 718.303(4)~~(3)~~.

54 | (5)

55 | (b) To be valid, a claim of lien must state the
56 | description of the condominium parcel, the name of the record
57 | owner, the name and address of the association, the amount due,
58 | and the due dates. It must be executed and acknowledged by an
59 | officer or authorized agent of the association. The lien is not
60 | effective ~~longer than~~ 1 year after the claim of lien was
61 | recorded unless, within that time, an action to enforce the lien
62 | is commenced. The 1-year period is automatically extended for
63 | any length of time during which the association is prevented
64 | from filing a foreclosure action by an automatic stay resulting
65 | from a bankruptcy petition filed by the parcel owner or any
66 | other person claiming an interest in the parcel. The claim of
67 | lien secures all unpaid assessments that are due and that may
68 | accrue after the claim of lien is recorded and through the entry
69 | of a final judgment, as well as interest and all reasonable
70 | costs and attorney's fees incurred by the association incident
71 | to the collection process. Upon payment in full, the person
72 | making the payment is entitled to a satisfaction of the lien.

73 |
74 | After notice of contest of lien has been recorded, the clerk of
75 | the circuit court shall mail a copy of the recorded notice to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 3

76 the association by certified mail, return receipt requested, at
77 the address shown in the claim of lien or most recent amendment
78 to it and shall certify to the service on the face of the
79 notice. Service is complete upon mailing. After service, the
80 association has 90 days in which to file an action to enforce
81 the lien; and, if the action is not filed within the 90-day
82 period, the lien is void. However, the 90-day period shall be
83 extended for any length of time during which ~~that~~ the
84 association is prevented from filing its action because of an
85 automatic stay resulting from the filing of a bankruptcy
86 petition by the unit owner or by any other person claiming an
87 interest in the parcel.

88 (11) (a) If the unit is occupied by a tenant and the unit
89 owner is delinquent in paying any monetary obligation due to the
90 association, the association may make a written demand that the
91 tenant pay to the association the subsequent rental payments
92 ~~future monetary obligations related to the condominium unit to~~
93 ~~the association,~~ and continue to the tenant must make such
94 payments until all monetary obligations of the unit owner
95 related to the unit have been paid in full to the association
96 payment. ~~The demand is continuing in nature and, upon demand,~~
97 The tenant must pay the monetary obligations to the association
98 until the association releases the tenant or the tenant
99 discontinues tenancy in the unit.

100 1. The association must provide the tenant a notice, by
101 hand delivery or United States Mail, in substantially the
102 following form:
103

Amendment No. 3

104 Under Florida Statute section 718.116(11), the
105 association demands that you pay your rent directly to
106 the condominium association, and continue until the
107 association notifies you otherwise.

108 Payment due the condominium association may be in
109 the same form as you paid your landlord and must be
110 sent by U.S. Mail or hand delivery to (full
111 address) payable to (name).

112 Your obligation to pay your rent to the
113 association begins immediately, unless you already
114 paid rent to your landlord for the current period
115 before receiving this notice. In that case, you must
116 provide the association written proof of your payment
117 within 14 days of receiving this notice. Your
118 obligation to pay rent to the association would then
119 begin with the next rental period.

120 Under Florida Statute section 718.116(11), your
121 payment of rent to the association gives you complete
122 immunity from any claim for the rent by your landlord
123 for all amounts timely paid to the association.

124
125 2. The association must mail written notice to the unit
126 owner of the association's ~~association~~ demand that the tenant
127 make payments to the association.

128 3. The association shall, upon request, provide the tenant
129 with written receipts for payments made.

130 4. A tenant ~~who acts in good faith in response to a written~~
131 ~~demand from an association~~ is immune from any claim by ~~from~~ the

Amendment No. 3

132 landlord or unit owner related to the rent timely paid to the
133 association after the association has made written demand.

134 (b)~~(a)~~ If the tenant paid ~~prepaid~~ rent to the landlord or
135 unit owner for a given rental period before receiving the demand
136 from the association and provides written evidence to the
137 association of having paid ~~paying~~ the rent ~~to the association~~
138 within 14 days after receiving the demand, the tenant shall
139 begin making rental payments to the association for the
140 following rental period and shall continue making ~~receive credit~~
141 ~~for the prepaid rent for the applicable period and must make any~~
142 ~~subsequent~~ rental payments to the association to be credited
143 against the monetary obligations of the unit owner ~~to the~~
144 ~~association~~ until the association releases the tenant or the
145 tenant discontinues tenancy in the unit.

146 (c)~~(b)~~ ~~The tenant is not liable for increases in the amount~~
147 ~~of the monetary obligations due unless the tenant was notified~~
148 ~~in writing of the increase at least 10 days before the date the~~
149 ~~rent is due.~~ The liability of the tenant may not exceed the
150 amount due from the tenant to the tenant's landlord. The
151 tenant's landlord shall provide the tenant a credit against
152 rents due to the ~~unit owner~~ landlord in the amount of moneys
153 paid to the association ~~under this section.~~

154 (d)~~(e)~~ The association may issue notice under s. 83.56 and
155 ~~may~~ sue for eviction under ss. 83.59-83.625 as if the
156 association were a landlord under part II of chapter 83 if the
157 tenant fails to pay a required payment to the association after
158 written demand has been made to the tenant. However, the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 3

159 | association is not otherwise considered a landlord under chapter
160 | 83 and specifically has no obligations ~~duties~~ under s. 83.51.

161 | ~~(e)~~ (d) The tenant does not, by virtue of payment of
162 | monetary obligations to the association, have any of the rights
163 | of a unit owner to vote in any election or to examine the books
164 | and records of the association.

165 | ~~(f)~~ (e) A court may supersede the effect of the subsection
166 | by

167 |

168 |

169 |

170 | -----

171 | **T I T L E A M E N D M E N T**

172 | Remove lines 29-31 and insert:

173 | providing a statutory notice to tenant regarding payment of rent
174 | to an association; conforming a cross-

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3
4 **Amendment**

5 Remove lines 1078-1089 and insert:

6 (5) An association may ~~also~~ suspend the voting rights of a
7 unit or member due to nonpayment of any monetary obligation due
8 to the association which is more than 90 days delinquent. A
9 voting interest or consent right allocated to a unit or member
10 which has been suspended by the association may not be counted
11 towards the total number of voting interests necessary to
12 constitute a quorum, the number of voting interests required to
13 conduct an election, or the number of voting interests required
14 to approve an action under this chapter or pursuant to the
15 declaration, articles of incorporation, or bylaws. The
16 suspension ends upon full payment of all obligations currently
17 due or overdue the association. The notice and hearing
18 requirements under subsection (3) do not apply to a suspension
19 imposed under this subsection.

aw

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove lines 1431-1531 and insert:

6 (10)(a) If the unit is occupied by a tenant and the unit
 7 owner is delinquent in paying any monetary obligation due to the
 8 association, the association may make a written demand that the
 9 tenant pay to the association the subsequent rental payments
 10 ~~future monetary obligations related to the condominium unit to~~
 11 ~~the association, and continue to the tenant must~~ make such
 12 payments until all monetary obligations of the unit owner
 13 related to the unit have been paid in full to the association
 14 ~~payment. The demand is continuing in nature and, upon demand,~~
 15 The tenant must pay the monetary obligations to the association
 16 until the association releases the tenant or the tenant
 17 discontinues tenancy in the unit.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 5

18 1. The association must provide the tenant a notice, by
19 hand delivery or United States Mail, in substantially the
20 following form:

21
22 Under Florida Statute section 719.108(10), we
23 demand that you make your rent payments directly to
24 the cooperative association, and continue doing so
25 until the association notifies you otherwise.

26 Payment due the cooperative association may be in
27 the same form as you paid your landlord and must be
28 sent by U.S. Mail or hand delivery to (full
29 address) payable to (name).

30 Your obligation to pay your rent to the
31 association begins immediately, unless you already
32 paid rent to your landlord for the current period
33 before receiving this notice. In that case, you must
34 provide the association written proof of your payment
35 within 14 days of receiving this notice. Your
36 obligation to pay rent to the association would then
37 begin with the next rental period.

38 Under Florida Statute section 719.108(10), your
39 payment of rent to the association gives you complete
40 immunity from any claim for the rent by your landlord.

41
42 2. The association must mail written notice to the unit
43 owner of the association's ~~association~~ demand that the tenant
44 make payments to the association.

Amendment No. 5

45 3. The association shall, upon request, provide the tenant
46 with written receipts for payments made.

47 4. A tenant ~~who acts in good faith in response to a written~~
48 ~~demand from an association~~ is immune from any claim by ~~from~~ the
49 landlord or unit owner related to the rent timely paid to the
50 association after the association has made written demand.

51 (b)(a) If the tenant paid ~~prepaid~~ rent to the landlord or
52 unit owner for a given rental period before receiving the demand
53 from the association and provides written evidence to the
54 association of having paid ~~paying~~ the rent ~~to the association~~
55 within 14 days after receiving the demand, the tenant shall
56 begin making rental payments to the association for the
57 following rental period and shall continue making ~~receive credit~~
58 ~~for the prepaid rent for the applicable period and must make any~~
59 ~~subsequent~~ rental payments to the association to be credited
60 against the monetary obligations of the unit owner ~~to the~~
61 association until the association releases the tenant or the
62 tenant discontinues tenancy in the unit.

63 (c)(b) ~~The tenant is not liable for increases in the amount~~
64 ~~of the monetary obligations due unless the tenant was notified~~
65 ~~in writing of the increase at least 10 days before the date the~~
66 ~~rent is due.~~ The liability of the tenant may not exceed the
67 amount due from the tenant to the tenant's landlord. The
68 tenant's landlord shall provide the tenant a credit against
69 rents due to the ~~unit owner~~ landlord in the amount of moneys
70 paid to the association ~~under this section.~~

71 (d)(e) The association may issue notice under s. 83.56 and
72 ~~may~~ sue for eviction under ss. 83.59-83.625 as if the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 5

73 association were a landlord under part II of chapter 83 if the
74 tenant fails to pay a required payment to the association after
75 written demand has been made to the tenant. However, the
76 association is not otherwise considered a landlord under chapter
77 83 and specifically has no obligations ~~duties~~ under s. 83.51.

78 (e) ~~(d)~~ The tenant does not, by virtue of payment of
79 monetary obligations to the association, have any of the rights
80 of a unit owner to vote in any election or to examine the books
81 and records of the association.

82 (f) ~~(e)~~ A court may supersede the effect of the subsection
83 by appointing a receiver.

84 Section 15. Subsection (3) of section 719.303, Florida
85 Statutes, is amended, and subsections (4), (5), and (6) are
86 added to that section, to read:

87 719.303 Obligations of owners.—

88 (3) ~~If the cooperative documents so provide, The~~
89 association may levy reasonable fines ~~against a unit owner for~~
90 failure of the unit owner or the unit's occupant, his or her
91 licensee, or invitee ~~or the unit's occupant~~ to comply with any
92 provision of the cooperative documents or reasonable rules of
93 the association. A fine may not ~~No fine shall~~ become a lien
94 against a unit. ~~No fine shall exceed \$100 per violation.~~
95 ~~However,~~ A fine may be levied on the basis of each day of a
96 continuing violation, with a single notice and opportunity for
97 hearing. However, the fine may not exceed \$100 per violation, or
98 \$1,000 ~~provided that no such fine shall in the aggregate exceed~~
99 \$1,000.

Amendment No. 5

100 (a) An association may suspend, for a reasonable period of
101 time, the right of a unit owner, or a unit owner's tenant,
102 guest, or invitee, to use the common elements, common
103 facilities, or any other association property for failure to
104 comply with any provision of the cooperative documents or
105 reasonable rules of the association.

106 (b) A ~~Ne~~ fine or suspension may not be imposed levied
107 except after giving reasonable notice and opportunity for a
108 hearing to the unit owner and, if applicable, the unit's his or
109 her licensee or invitee. The hearing ~~must shall~~ be held before a
110 committee of other unit owners. If the committee does not agree
111 with the fine or suspension, it may shall not be imposed levied.
112 ~~This subsection does not apply to unoccupied units.~~

113 (4) If a unit owner is more than 90 days delinquent in
114 paying a monetary obligation due to the association, the
115 association may suspend the right of the unit owner or the
116 unit's occupant, licensee, or invitee to use common elements,
117 common facilities, or any other association property until the
118 monetary obligation is paid in full. This subsection does not
119 apply to limited common elements intended to be used only by
120 that unit, common elements needed to access the unit, utility
121 services provided to the unit, parking spaces, or elevators. The
122 notice and hearing requirements under subsection (3) do not
123 apply to suspensions imposed under this subsection.

124 (5) An association may suspend the voting rights of a unit
125 or member due to nonpayment of any monetary obligation due to
126 the association which is more than 90 days delinquent. A voting
127 interest or consent right allocated to a unit or member which

Amendment No. 5

128 has been suspended by the association may not be counted towards
129 the total number of voting interests for any purpose including,
130 but not limited to, the number of voting interests necessary to
131 constitute a quorum, the number of voting interests required to
132 conduct an election, or the number of voting interests required
133 to approve an action under this chapter or pursuant to the
134 cooperative documents, articles of incorporation, or bylaws. The
135 suspension ends upon full payment of all obligations currently
136 due or overdue the association. The notice and hearing
137 requirements under subsection (3) do not apply to a suspension
138 imposed under this subsection.

139

140

141

142

143

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

144

Remove lines 58-61 and insert:

145

amending s. 719.108, F.S.; providing a statutory notice to

146

tenant regarding payment of rent; amending s. 719.303, F.S.;

147

revising provisions

an

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1195 (2011)

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove lines 1727-1879 and insert:

6 (4) (3) If the governing documents so provide, An
 7 association may suspend the voting rights of a parcel or member
 8 for the nonpayment of any monetary obligation that is more than
 9 regular annual assessments that are delinquent in excess of 90
 10 days delinquent. A voting interest or consent right allocated to
 11 a parcel or member which has been suspended by the association
 12 may not be counted towards the total number of voting interests
 13 for any purpose including, but not limited to, the number of
 14 voting interests necessary to constitute a quorum, the number of
 15 voting interests required to conduct an election, or the number
 16 of voting interests required to approve an action under this
 17 chapter or pursuant to the governing documents. The notice and
 18 hearing requirements under subsection (2) do not apply to a
 19 suspension imposed under this subsection. The suspension ends

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20 upon full payment of all obligations currently due or overdue to
21 the association.

22 (5) All suspensions imposed pursuant to subsection (3) or
23 subsection (4) must be approved at a properly noticed board
24 meeting. Upon approval, the association must notify the parcel
25 owner and, if applicable, the parcel's occupant, licensee, or
26 invitee by mail or hand delivery.

27 Section 19. Subsection (9) of section 720.306, Florida
28 Statutes, is amended to read:

29 720.306 Meetings of members; voting and election
30 procedures; amendments.-

31 (9) (a) ELECTIONS AND BOARD VACANCIES.- Elections of
32 directors must be conducted in accordance with the procedures
33 set forth in the governing documents of the association. All
34 members of the association are eligible to serve on the board of
35 directors, and a member may nominate himself or herself as a
36 candidate for the board at a meeting where the election is to be
37 held or, if the election process allows voting by absentee
38 ballot, in advance of the balloting. Except as otherwise
39 provided in the governing documents, boards of directors must be
40 elected by a plurality of the votes cast by eligible voters.

41 (b) A person who is delinquent in the payment of any fee,
42 fine, or other monetary obligation to the association for more
43 than 90 days is not eligible for board membership. A person who
44 has been convicted of any felony in this state or in a United
45 States District or Territorial Court, or has been convicted of
46 any offense in another jurisdiction which would be considered a
47 felony if committed in this state, is not eligible for board

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48 membership unless such felon's civil rights have been restored
49 for at least 5 years as of the date on which such person seeks
50 election to the board. The validity of any action by the board
51 is not affected if it is later determined that a member of the
52 board is ineligible for board membership.

53 (c) Any election dispute between a member and an
54 association must be submitted to mandatory binding arbitration
55 with the division. Such proceedings must be conducted in the
56 manner provided by s. 718.1255 and the procedural rules adopted
57 by the division. Unless otherwise provided in the bylaws, any
58 vacancy occurring on the board before the expiration of a term
59 may be filled by an affirmative vote of the majority of the
60 remaining directors, even if the remaining directors constitute
61 less than a quorum, or by the sole remaining director. In the
62 alternative, a board may hold an election to fill the vacancy,
63 in which case the election procedures must conform to the
64 requirements of the governing documents. Unless otherwise
65 provided in the bylaws, a board member appointed or elected
66 under this section is appointed for the unexpired term of the
67 seat being filled. Filling vacancies created by recall is
68 governed by s. 720.303(10) and rules adopted by the division.

69 Section 20. Paragraph (a) of subsection (1) and
70 subsections (2), (3), and (8) of section 720.3085, Florida
71 Statutes, are amended to read:

72 720.3085 Payment for assessments; lien claims.—

73 (1) When authorized by the governing documents, the
74 association has a lien on each parcel to secure the payment of
75 assessments and other amounts provided for by this section.

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76 Except as otherwise set forth in this section, the lien is
77 effective from and shall relate back to the date on which the
78 original declaration of the community was recorded. However, as
79 to first mortgages of record, the lien is effective from and
80 after recording of a claim of lien in the public records of the
81 county in which the parcel is located. This subsection does not
82 bestow upon any lien, mortgage, or certified judgment of record
83 on July 1, 2008, including the lien for unpaid assessments
84 created in this section, a priority that, by law, the lien,
85 mortgage, or judgment did not have before July 1, 2008.

86 (a) To be valid, a claim of lien must state the
87 description of the parcel, the name of the record owner, the
88 name and address of the association, the assessment amount due,
89 and the due date. The claim of lien secures ~~shall secure~~ all
90 unpaid assessments that are due and that may accrue subsequent
91 to the recording of the claim of lien and before entry of a
92 certificate of title, as well as interest, late charges, and
93 reasonable costs and attorney's fees incurred by the association
94 incident to the collection process. The person making ~~the~~
95 payment is entitled to a satisfaction of the lien upon payment
96 in full.

97 (2) (a) A parcel owner, regardless of how his or her title
98 to property has been acquired, including by purchase at a
99 foreclosure sale or by deed in lieu of foreclosure, is liable
100 for all assessments that come due while he or she is the parcel
101 owner. The parcel owner's liability for assessments may not be
102 avoided by waiver or suspension of the use or enjoyment of any

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103 common area or by abandonment of the parcel upon which the
104 assessments are made.

105 (b) A parcel owner is jointly and severally liable with
106 the previous parcel owner for all unpaid assessments that came
107 due up to the time of transfer of title. This liability is
108 without prejudice to any right the present parcel owner may have
109 to recover any amounts paid by the present owner from the
110 previous owner.

111 (c) Notwithstanding anything to the contrary contained in
112 this section, the liability of a first mortgagee, or its
113 successor or assignee as a subsequent holder of the first
114 mortgage who acquires title to a parcel by foreclosure or by
115 deed in lieu of foreclosure for the unpaid assessments that
116 became due before the mortgagee's acquisition of title, shall be
117 the lesser of:

118 1. The parcel's unpaid common expenses and regular
119 periodic or special assessments that accrued or came due during
120 the 12 months immediately preceding the acquisition of title and
121 for which payment in full has not been received by the
122 association; or

123 2. One percent of the original mortgage debt.

124
125 The limitations on first mortgagee liability provided by this
126 paragraph apply only if the first mortgagee filed suit against
127 the parcel owner and initially joined the association as a
128 defendant in the mortgagee foreclosure action. Joinder of the
129 association is not required if, on the date the complaint is
130 filed, the association was dissolved or did not maintain an

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131 office or agent for service of process at a location that was
132 known to or reasonably discoverable by the mortgagee.

133 (d) An association, or its successor or assignee that
134 acquires title to a parcel through the foreclosure of its lien
135 for assessments is not liable for any unpaid assessments, late
136 fees, interest, or reasonable attorney's fees and costs that
137 came due before the association's acquisition of title in favor
138 of any other association, as defined in s. 718.103(2) or s.
139 720.301(9), which hold a superior lien interest on the parcel.
140 This paragraph is intended to clarify existing law.

141 (3) Assessments and installments on assessments that are
142 not paid when due bear interest from the due date until paid at
143 the rate provided in the declaration of covenants or the bylaws
144 of the association, which rate may not exceed the rate allowed
145 by law. If no rate is provided in the declaration or bylaws,
146 interest accrues at the rate of 18 percent per year.

147 (a) If the declaration or bylaws so provide, the
148 association may also charge an administrative late fee ~~in an~~
149 ~~amount~~ not to exceed the greater of \$25 or 5 percent of the
150 amount of each installment that is paid past the due date.

151 (b) Any payment received by an association and accepted
152 shall be applied first to any interest accrued, then to any
153 administrative late fee, then to any costs and reasonable
154 attorney's fees incurred in collection, and then to the
155 delinquent assessment. This paragraph applies notwithstanding
156 any restrictive endorsement, designation, or instruction placed
157 on or accompanying a payment. A late fee is not subject to the
158 provisions of chapter 687 and is not a fine.

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159 (8) (a) If the parcel is occupied by a tenant and the parcel
160 owner is delinquent in paying any monetary obligation due to the
161 association, the association may demand that the tenant pay to
162 the association the subsequent rental payments and continue to
163 make such payments until all the monetary obligations of the
164 parcel owner related to the parcel have been paid in full to the
165 association and the future monetary obligations related to the
166 parcel. The demand is continuing in nature, and upon demand, the
167 tenant must continue to pay the monetary obligations until the
168 association releases the tenant or until the tenant discontinues
169 tenancy in the parcel.

170 1. The association must provide the tenant a notice, by
171 hand delivery or United States Mail, in substantially the
172 following form:

173
174 Under Florida Statute section 720.3085(8), we
175 demand that you make your rent payments directly to
176 the homeowners' association, and continue doing so
177 until the association notifies you otherwise.

178 Payment due the homeowners' association may be in
179 the same form as you paid your landlord and must be
180 sent by U.S. Mail or hand delivery to (full
181 address) payable to (name).

182 Your obligation to pay your rent to the
183 association begins immediately, unless you already
184 paid rent to your landlord for the current period
185 before receiving this notice. In that case, you must
186 provide the association written proof of your payment

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187 within 14 days of receiving this notice. Your
188 obligation to pay rent to the association would then
189 begin with the next rental period.

190 Under Florida Statute section 720.3085(8), your
191 payment of rent to the association gives you complete
192 immunity from any claim for the rent by your landlord.

193
194 2. A tenant who acts in good faith in response to a written
195 demand from an association is immune from any claim by from the
196 parcel owner related to the rent timely paid to the association
197 after the association has made written demand.

198 (b)(a) If the tenant paid prepaid rent to the landlord or
199 parcel owner for a given rental period before receiving the
200 demand from the association and provides written evidence to the
201 association of having paid paying the rent to the association
202 within 14 days after receiving the demand, the tenant shall
203 begin making rental payments to the association for the
204 following rental period and shall continue making receive credit
205 for the prepaid rent for the applicable period and must make any
206 subsequent rental payments to the association to be credited
207 against the monetary obligations of the parcel owner to the
208 association until the association releases the tenant or the
209 tenant discontinues tenancy in the unit. The association shall,
210 upon request, provide the tenant with written receipts for
211 payments made. The association shall mail written notice to the
212 parcel owner of the association's demand that the tenant pay
213 monetary obligations to the association.

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214 ~~(c)(b) The tenant is not liable for increases in the~~
215 ~~amount of the monetary obligations due unless the tenant was~~
216 ~~notified in writing of the increase at least 10 days before the~~
217 ~~date on which the rent is due. The liability of the tenant may~~
218 ~~not exceed the amount due from the tenant to the tenant's~~
219 ~~landlord.~~ The tenant shall be given a credit against rents due
220 to the parcel owner in the amount of assessments paid to the
221 association.

222 ~~(d)(e)~~ The association may issue notices under s. 83.56
223 and may sue for eviction under ss. 83.59-83.625 as if the
224 association were a landlord under part II of chapter 83 if the
225 tenant fails to pay a monetary obligation. However, the
226 association is not otherwise considered a landlord under chapter
227 83 and specifically has no obligations ~~duties~~ under s. 83.51.

228 ~~(e)(d)~~ The tenant does not, by virtue of payment of
229 monetary obligations, have any of the rights of a parcel owner
230 to vote in any election or to examine the books and records of
231 the association.

232 ~~(f)(e)~~ A court may supersede the effect of this subsection
233 by

234

235

236

237

238

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

239

Remove lines 86-88 and insert:

240

providing a statutory notice to tenant regarding payment of rent
241 to an association; amending s. 720.309, F.S.;

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. PCS for CS/HB 1379 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

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

5 Remove lines 347-370 and insert:

6 appear at any required court proceeding. A defendant may not
7 receive a government-funded pretrial release if the defendant's
8 income is above 300 percent of the then-current federal poverty
9 guidelines prescribed for the size of the household of the
10 defendant by the United States Department of Health and Human
11 Services, unless the defendant is receiving Temporary Assistance
12 for Needy Families-Cash Assistance, poverty-related veterans'
13 benefits, Supplemental Security Income (SSI), food stamps, or
14 Medicaid.

15 (4) If a defendant seeks to post a surety bond pursuant to
16 a bond schedule established by administrative order as an
17 alternative to government-funded pretrial release, the defendant
18 shall be permitted to do so without any interference or
19 restriction by a pretrial release program.

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. PCS for CS/HB 1379 (2011)

Amendment No. 1

20 (5) This section does not prohibit the court from:

21 (a) Releasing a defendant on the defendant's own
22 recognizance.

23 (b) Imposing upon the defendant any additional reasonable
24 condition of release as part of release on the defendant's own
25 recognizance or the posting of a surety bond upon a finding of
26 need in the interest of public safety, including, but not
27 limited to, electronic monitoring, drug testing, substance abuse
28 treatment, or attending a batterers' intervention program.

29 (6) In lieu of using a government-funded program to ensure
30 the court appearance of any defendant, a county may reimburse a
31 licensed surety agent for the premium costs of a surety bail
32 bond that secures the appearance of an indigent defendant at all
33 court proceedings if the court establishes a bail bond amount
34 for the indigent defendant.

35 (7) A defendant who is not otherwise eligible for
36 government-funded pretrial release under subsection (3) is
37 eligible for government-funded pretrial release 48 hours after
38 the defendant's arrest.

39 (8) The income eligibility limitations applicable to
40 government-funded pretrial release programs apply only to those
41 counties with a population equal to or greater than 350,000
42 persons.

43 (9) This section does not prohibit a law enforcement
44 officer or a code enforcement officer authorized under s.
45 162.23, Florida Statutes, from issuing a notice to appear in
46 lieu of jail.

COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. PCS for CS/HB 1379 (2011)

Amendment No. 1

47 Section 26. (1) Sections 1 through 24 of this act shall
48 take effect January 1, 2012.

49 (2) Section 25 of this act pertaining to government-funded
50 pretrial release shall take effect October 1, 2011.

51 Section 27. Except as otherwise expressly provided in this
52 act, this act shall take effect October 1, 2011.

53

54

55

56

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

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Remove line 75 and insert:

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defendant under certain circumstances; providing that a

59

defendant who is not otherwise eligible for government-funded

60

pretrial release becomes eligible for government-funded pretrial

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release 48 hours after the defendant's arrest; providing that

62

the income eligibility limitations applicable to government-

63

funded pretrial release programs apply only to certain specified

64

counties; providing that the act does not prohibit a law

65

enforcement officer or a code enforcement officer from issuing a

66

notice to appear in certain conditions; providing effective

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1393 (2011)

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative(s) Artiles offered the following:

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

5 Remove lines 242-332 and insert:

6 Section 2. Paragraph (f) is added to subsection (10) of
7 section 768.28, Florida Statutes, to read:

8 768.28 Waiver of sovereign immunity in tort actions;
9 recovery limits; limitation on attorney fees; statute of
10 limitations; exclusions; indemnification; risk management
11 programs.—

12 (10)

13 (f) Health care providers who are affiliated with a
14 Florida not-for-profit college or university that owns or
15 operates an accredited medical school or any of their employees
16 or agents, that have contractually agreed to act as agents of a
17 teaching hospital, as defined in s. 408.07(45), which is owned
18 or operated by the state, a county, a municipality, a public
19 health trust, a special taxing district, or any other

Amendment No. 01

20 governmental entity having health care responsibilities, to
21 provide health care services in such teaching hospital shall be
22 considered agents of the teaching hospital for the purposes of
23 this section while acting within the scope of and pursuant to
24 said contract. Said contract shall provide for the
25 indemnification of the teaching hospital by the agent for any
26 liabilities incurred up to the limits set out in this chapter.
27 Those portions of the university that are directly providing
28 health care services pursuant to the contract are acting on
29 behalf of a public agency pursuant to s. 119.011(2). Patients
30 must be given written notice that the medical school and its
31 employees are agents of the state and that the exclusive remedy
32 for injury or damage suffered as a result of any act or omission
33 of the public teaching hospital, the medical school, or an
34 employee or agent of the medical school while acting within the
35 scope of her or his duties is by commencement of an action under
36 this section. This paragraph shall not be construed as
37 designating persons providing contracted health care services as
38 employees or agents of the state for the purposes of chapter
39 440.

40
41
42 -----
43 **T I T L E A M E N D M E N T**

44 Remove lines 3-25 and insert:
45 legislative findings and intent; amending s. 768.28, F.S.;
46 providing sovereign immunity to certain health care providers
47 affiliated with a medical school while providing patient

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1393 (2011)

Amendment No. 01

48 services at a public teaching hospital; providing that such
49 health care providers are agents of the state and are immune
50 from certain liability for torts; requiring a contract to
51 provide for indemnification; providing that the portion of the
52 not-for-profit entity deemed an agent of the state for purpose
53 of indemnity is also an agency of the state for purpose of
54 public records laws; providing definitions; requiring that each
55 patient receive written notice