



Judiciary Committee

March 14, 2013

9:00 AM

404 HOB

Action Packet

Will Weatherford
Speaker

Dennis Baxley
Chair

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

Summary:

Judiciary Committee

Thursday March 14, 2013 09:00 am

CS/CS/HB 73	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 282265	Adopted Without Objection		
CS/CS/HB 113	Favorable	Yeas: 15	Nays: 0
CS/HB 119	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 953467	Adopted Without Objection		
CS/HB 175	Favorable With Committee Substitute	Yeas: 18	Nays: 0
Amendment 650525	Adopted Without Objection		
HB 191	Favorable	Yeas: 16	Nays: 0
CS/HB 231	Favorable With Committee Substitute	Yeas: 14	Nays: 4
Amendment 082215	Adopted Without Objection		
Amendment 128687	Adopted Without Objection		
Amendment 082491	Adopted Without Objection		
Amendment 237953	Adopted Without Objection		
Amendment 502841	Adopted Without Objection		
Amendment 929605	Adopted		
Amendment 579847	Adopted Without Objection		
Amendment 588555	Adopted Without Objection		
Amendment 466505	Adopted Without Objection		
HB 905	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 393985	Adopted Without Objection		
HB 7035	Favorable	Yeas: 16	Nays: 1

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dennis Baxley (Chair)	X		
Daphne Campbell	X		
Marti Coley	X		
Dwight Dudley	X		
Heather Fitzenhagen	X		
Clay Ford			X
Matt Gaetz	X		
Bill Hager	X		
Dave Kerner	X		
Charles McBurney	X		
Kionne McGhee	X		
Larry Metz	X		
Jared Moskowitz	X		
Kathleen Passidomo	X		
Ray Pilon	X		
Kenneth Roberson	X		
Elaine Schwartz	X		
Ross Spano	X		
Charlie Stone	X		
Totals:	18	0	1

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/CS/HB 73 : Residential Properties

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley				X	
Dwight Dudley	X				
Heather Fitzenhagen	X				
Clay Ford			X		
Matt Gaetz	X				
Bill Hager	X				
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/CS/HB 73 Amendments

Amendment 282265

Adopted Without Objection

Appearances:

Bostick, Melanie (Lobbyist) - Information Only
Vice President, Florida Institute of CPA's
113 E College Ave, Ste 300
Tallahassee FL 32301
Phone: 850-841-1726

Ferguson, Diana (Lobbyist) - Proponent
Community Advocacy Network
119 S Monroe St
Tallahassee FL 32308
Phone: 850-681-6788

Moore, Travis (Lobbyist) - Waive In Support
Community Associations Institute
931 N:SR 434 #1201-220
Altamonte Springs FL 32714
Phone: (727)421-6902

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/CS/HB 73 : Residential Properties (continued)

Appearances: (continued)

Edenfield, Martha (Lobbyist) - Waive In Support
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3.14.13*

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

3
4 **Amendment**

5 Remove lines 388-397 and insert:

6 1. An association with total annual revenues of \$150,000
7 ~~\$100,000~~ or more, but less than \$300,000 ~~\$200,000~~, shall prepare
8 compiled financial statements.

9 2. An association with total annual revenues of at least
10 \$300,000 ~~\$200,000~~, but less than \$500,000 ~~\$400,000~~, shall
11 prepare reviewed financial statements.

12 3. An association with total annual revenues of \$500,000
13 ~~\$400,000~~ or more shall prepare audited financial statements.

14 (b)1. An association with total annual revenues of less
15 than \$150,000 ~~\$100,000~~ shall prepare a report of cash receipts
16

17 Remove lines 1720-1729 and insert:

18 1. An association with total annual revenues of \$150,000
19 ~~\$100,000~~ or more, but less than \$300,000 ~~\$200,000~~, shall prepare
20 compiled financial statements.



Amendment No. 1

21 2. An association with total annual revenues of at least
22 \$300,000 ~~\$200,000~~, but less than \$500,000 ~~\$400,000~~, shall
23 prepare reviewed financial statements.

24 3. An association with total annual revenues of \$500,000
25 ~~\$400,000~~ or more shall prepare audited financial statements.

26 (b)1. An association with total annual revenues of less
27 than \$150,000 ~~\$100,000~~ shall prepare a report of cash receipts
28

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/CS/HB 113 : Distribution of Materials Harmful to Minors

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley				X	
Heather Fitzenhagen	X				
Clay Ford			X		
Matt Gaetz	X				
Bill Hager	X				
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson				X	
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/HB 119 : Searches and Seizures

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell				X	
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Clay Ford			X		
Matt Gaetz	X				
Bill Hager	X				
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/HB 119 Amendments

Amendment 953467

Adopted Without Objection

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-14-13*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Workman offered the following:

3

4 **Amendment**

5 Remove lines 41-45 and insert:

6 (c) If the law enforcement agency possesses reasonable
7 suspicion that, under particular circumstances, swift action is
8 needed to prevent imminent danger to life or serious damage to
9 property, to forestall the imminent escape of a suspect or the
10 destruction of evidence, or to achieve purposes including, but
11 not limited to, facilitating the search for a missing person.

12

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/HB 175 : Condominiums

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Clay Ford			X		
Matt Gaetz	X				
Bill Hager	X				
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 18		Total Nays: 0			

CS/HB 175 Amendments

Amendment 650525

Adopted Without Objection

Appearances:

Edenfield, Martha (Lobbyist) - Waive In Support
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Moore, Travis (Lobbyist) - Waive In Support
Community Associations Institute
931 N:SR 434 #1201-220
Altamonte Springs FL 32714
Phone: (727)421-6902

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Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-14-13*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Fitzenhagen offered the following:

3

4 **Amendment**

5 Remove line 490 and insert:

6 favor of the grantee of such unit, whichever occurred first.

7

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

HB 191 : Theft of Utility Services

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Clay Ford			X		
Matt Gaetz	X				
Bill Hager			X		
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

Punyko, Carl (Lobbyist) - Waive In Support
Gulf Power Company
One Energy Place
Pensacola FL 32520
Phone: (850)712-0692

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

Simmons, Donna (Lobbyist) - Waive In Support
TECO Energy, Inc
PO Box 111
Tampa FL 33601
Phone: (850)681-6785

Holley, John (Lobbyist) - Waive In Support
Florida Power and Light
215 S Monroe St
Tallahassee FL
Phone: 850-694-8886

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

HB 191 : Theft of Utility Services (continued)

Appearances: (continued)

Goss, Suzanne (Lobbyist) - Waive In Support

JEA

21 W Church St

Jacksonville FL 32202

Phone: (904)665-8331

Bernardino, Frank (Lobbyist) - Waive In Support

FL Section, American Water Works Association

324 E Virginia St

Tallahassee FL 32301

Phone: 850-322-8907

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/HB 231 : Dissolution of Marriage

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley		X			
Heather Fitzenhagen		X			
Clay Ford			X		
Matt Gaetz	X				
Bill Hager	X				
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee		X			
Larry Metz	X				
Jared Moskowitz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson	X				
Elaine Schwartz		X			
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 14		Total Nays: 4			

CS/HB 231 Amendments

Amendment 082215

Adopted Without Objection

Amendment 128687

Adopted Without Objection

Amendment 082491

Adopted Without Objection

Amendment 237953

Adopted Without Objection

Amendment 502841

Adopted Without Objection

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/HB 231 : Dissolution of Marriage (continued)

Amendment 929605

Adopted

Amendment 579847

Adopted Without Objection

Amendment 588555

Adopted Without Objection

Amendment 466505

Adopted Without Objection

Appearances:

Roy, Elisha (General Public) - Opponent
Chair-Elect, Family Law Section
P O Box 2907
West Palm Beach FL 33402
Phone: 561-689-4378

Frumalero, John (General Public) - Proponent
501 Commendencia St
Pensacola FL 32502
Phone: 850-439-4052

Lindsey, R C (General Public) - Proponent
Chairman, Alliance for Freedom from Alimony
Stuart FL 34997
Phone: 772-287-9235

Frisher, Alan (General Public) - Proponent
Co-Director, Florida Alimony Reform
7630 N Wickham Road
Melbourne FL 32940
Phone: 321-242-7526

Power, Terrance (General Public) - Waive In Support
2291 Sweetgrass Court
Clearwater FL 33759
Phone: 813-281-0707

Middlekauff, James (General Public) - Proponent
3810 Regents Way
Oviedo FL 32765
Phone: 407-739-4949

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

CS/HB 231 : Dissolution of Marriage (continued)

Appearances: (continued)

DeVane, Barbara (Lobbyist) - Opponent
Florida National Organization for Women, Inc
6825 NW 43rd Place
Gainesville FL 32606
Phone: (850)251-4280

Leary, Phil (Lobbyist) - Waive In Support
Palatka FL

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3.14.13*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Workman offered the following:

3
4
5
6
7

Amendment

Remove lines 108-109 and insert:

periodic payments, ~~or~~ payments in lump sum, or both.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

favorable
3.14.13

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

3
4 **Amendment**

5 Remove lines 126-138 and insert:

6 2. The obligor's normal retirement age for social security
 7 retirement benefits. If the obligee proves by clear and
 8 convincing evidence that the need for alimony continues to exist
 9 and the court determines that the obligor continues to have the
 10 ability to pay, the court shall issue written findings
 11 justifying an extension of alimony consistent with the
 12 provisions of this section.

13

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 231 (2013)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3.14.13*

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

3
4 **Amendment**

5 Remove lines 257-259 and insert:
6 by clear and convincing evidence the circumstances justifying
7 the need for a longer award of alimony, which circumstances must
8 be set out in writing by the
9



Amendment No. 3a

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-14-13*

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Passidomo offered the following:
 3
 4 **Amendment to Amendment (082491) by Representative Workman**
 5 Remove line 6 of the amendment and insert:
 6 by a preponderance of the evidence the circumstances justifying
 7



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	_____	

favorable

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Workman offered the following:
 3
 4 **Amendment**
 5 Remove line 646 and insert:
 6 for alimony, unless the agreement is expressly nonmodifiable, if
 7 the agreement is 25 percent or more in duration
 8



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	___	

*Favorable
3.4.13*

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

Amendment (with title amendment)

Between lines 414 and 415, insert:

Section 4. Paragraph (c) of subsection (2) of section
61.13, Florida Statutes, is amended to read:

61.13 Support of children; parenting and time-sharing;
powers of court.—

(2)

(c) The court shall determine all matters relating to
parenting and time-sharing of each minor child of the parties in
accordance with the best interests of the child and in
accordance with the Uniform Child Custody Jurisdiction and
Enforcement Act, except that modification of a parenting plan
and time-sharing schedule requires a showing of a substantial,
material, and unanticipated change of circumstances.

1. It is the public policy of this state that each minor
child has frequent and continuing contact with both parents
after the parents separate or the marriage of the parties is



Amendment No. 5

21 dissolved and to encourage parents to share the rights and
22 responsibilities, and joys, of childrearing. There is no
23 presumption for or against the father or mother of the child or
24 for or against any specific time-sharing schedule when creating
25 or modifying the parenting plan of the child. Equal time-sharing
26 with a minor child by both parents is presumed to be in the best
27 interests of the child unless the court finds that:

28 a. The safety, well-being, and physical, mental, and
29 emotional health of the child would be endangered by equal time
30 sharing, that visitation would be presumed detrimental
31 consistent with s. 39.0139(3), or that supervised visitation is
32 appropriate, if any is appropriate;

33 b. Clear and convincing evidence of extenuating
34 circumstances justify a departure from equal time-sharing and
35 the court makes written findings justifying the departure from
36 equal time-sharing;

37 c. A parent is incarcerated;

38 d. The distance between parental residences makes equal
39 time-sharing impracticable;

40 e. A parent does not request at least 50 percent time
41 sharing; or

42 f. There is evidence of domestic violence.

43 2. The court shall order that the parental responsibility
44 for a minor child be shared by both parents unless the court
45 finds that shared parental responsibility would be detrimental
46 to the child. Evidence that a parent has been convicted of a
47 misdemeanor of the first degree or higher involving domestic
48 violence, as defined in s. 741.28 and chapter 775, or meets the



Amendment No. 5

49 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
50 detriment to the child. If the presumption is not rebutted after
51 the convicted parent is advised by the court that the
52 presumption exists, shared parental responsibility, including
53 time-sharing with the child, and decisions made regarding the
54 child, may not be granted to the convicted parent. However, the
55 convicted parent is not relieved of any obligation to provide
56 financial support. If the court determines that shared parental
57 responsibility would be detrimental to the child, it may order
58 sole parental responsibility and make such arrangements for
59 time-sharing as specified in the parenting plan as will best
60 protect the child or abused spouse from further harm. Whether or
61 not there is a conviction of any offense of domestic violence or
62 child abuse or the existence of an injunction for protection
63 against domestic violence, the court shall consider evidence of
64 domestic violence or child abuse as evidence of detriment to the
65 child.

66 a. In ordering shared parental responsibility, the court
67 may consider the expressed desires of the parents and may grant
68 to one party the ultimate responsibility over specific aspects
69 of the child's welfare or may divide those responsibilities
70 between the parties based on the best interests of the child.
71 Areas of responsibility may include education, health care, and
72 any other responsibilities that the court finds unique to a
73 particular family.

74 b. The court shall order sole parental responsibility for
75 a minor child to one parent, with or without time-sharing with



Amendment No. 5

76 the other parent if it is in the best interests of the minor
77 child.

78 3. Access to records and information pertaining to a minor
79 child, including, but not limited to, medical, dental, and
80 school records, may not be denied to either parent. Full rights
81 under this subparagraph apply to either parent unless a court
82 order specifically revokes these rights, including any
83 restrictions on these rights as provided in a domestic violence
84 injunction. A parent having rights under this subparagraph has
85 the same rights upon request as to form, substance, and manner
86 of access as are available to the other parent of a child,
87 including, without limitation, the right to in-person
88 communication with medical, dental, and education providers.

89 Section 5. The amendment by this act to s. 61.13, Florida
90 Statutes, which creates a presumption in favor of equal time
91 sharing applies prospectively to initial final custody orders
92 made on or after July 1, 2013. The amendments do not constitute
93 a substantial change in circumstances which warrant the
94 modification of a final custody order entered before July 1,
95 2013.

96
97
98 -----
99 **T I T L E A M E N D M E N T**

100 Remove lines 2-27 and insert:

101 An act relating to family law; amending s. 61.071, F.S.;
102 requiring that alimony pendente lite be calculated in accordance
103 with s. 61.08, F.S.; amending s. 61.08, F.S.; defining terms;



Amendment No. 5

104 revising factors to be considered for alimony awards; requiring
105 a court to make written findings regarding the basis for
106 awarding a combination of forms of alimony, including the type
107 of alimony and length of time for which it is awarded; revising
108 factors to be considered when deciding whether to award alimony;
109 providing that an award of alimony automatically terminates
110 without further action under certain circumstances; providing
111 that the party seeking alimony has the burden of proof of
112 demonstrating a need for alimony and that the other party has
113 the ability to pay alimony; requiring the court to consider
114 specified relevant factors when determining the proper type and
115 amount of alimony; revising provisions relating to the
116 protection of awards of alimony; revising provisions for an
117 award of durational alimony; specifying criteria related to the
118 rebuttable presumption to award or not to award alimony;
119 deleting a provision authorizing permanent alimony; requiring
120 written findings regarding the incomes and standard of living of
121 the parties after dissolution of marriage; amending s. 61.09,
122 F.S.; providing for the calculation of alimony; amending s.
123 61.15, F.S.; establishing a presumption that it is in the best
124 interests of the child for the court to order equal time-sharing
125 for each minor child; providing exceptions; providing for
126 prospective application of the presumption in favor of equal
127 time-sharing; amending s.

128



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	___	

*Amendable
3-14-13*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Gaetz offered the following:

3

4 **Amendment**

5 Remove lines 86-87 and insert:

6 (a) "Alimony" means a court-ordered payment of support by
7 an obligor spouse to an obligee spouse.



Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-14-13*

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

3
4 **Amendment**

5 Remove lines 91-100 and insert:

6 (c) "Mid-term marriage" means a marriage having a duration
7 of more than 12 years but less than 20 years, as measured from
8 the date of the marriage to the date of filing the petition for
9 dissolution.

10 (d) "Net income" means net income as determined in
11 accordance with s. 61.30.

12 (e) "Short-term marriage" means a marriage having a
13 duration equal to or less than 12 years, as measured from the
14 date of the marriage to the date of filing the petition for
15 dissolution.



Amendment No. 8

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	___	

*ADOPTABLE
3-14-13*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Gaetz offered the following:

3

4 **Amendment**

5 Between lines 550 and 551, insert:

6 (d) An obligor's subsequent remarriage or cohabitation does
7 not constitute a basis for a modification of alimony. The
8 income and assets of the obligor's subsequent spouse or person
9 with whom the obligor resides is not relevant in a modification
10 action except upon exceptional circumstances.

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

HB 905 : Family Law

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Clay Ford			X		
Matt Gaetz	X				
Bill Hager	X				
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 17		Total Nays: 0			

HB 905 Amendments

Amendment 393985

Adopted Without Objection

Appearances:

Roy, Elisha (General Public) - Waive In Support
Chair-Elect, Family Law Section
P O Box 2907
West Palm Beach FL 33402
Phone: 561-689-4378

Goodner, Lisa (Lobbyist) - Waive In Support
Administrator, State Courts System
500 S. Doval St.
Tallahassee FL 32399
Phone: 850-922-5081

Maclure, Eric (Lobbyist) (State Employee) - Waive In Support
Intergovernmental Relations, State Courts Administrator's Office
500 South Duval St.
Tallahassee FL 32399
Phone: (850) 922-5692

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-14-13*

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

Amendment (with title amendment)

Remove lines 109-120 and insert:

(4) In family cases, the court may take judicial notice of any matter described in s. 90.202(6) when imminent danger to persons or property has been alleged and it is impractical to give prior notice to the parties of the intent to take judicial notice. Opportunity to present evidence relevant to the propriety of taking judicial notice under subsection (1) may be deferred until after judicial action has been taken. If judicial notice is taken under this subsection, the court shall, within 2 business days, file a notice in the pending case of the matters judicially noticed. For purposes of this subsection, the term "family cases" has the same meaning as provided in the Rules of Judicial Administration.

Section 3. Subsections (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) of section 409.2564, Florida Statutes, are renumbered as subsections (5), (6), (7), (8), (9), (10), (11),



Amendment No. 1

21 (12), (13), and (14), respectively, and subsection (4) is added
22 to that section, to read:

23 409.2564 Actions for support.—

24 (4) (a) The Department of Revenue shall not undertake an
25 action to determine paternity, to establish an obligation of
26 support, or to enforce or modify an obligation of support
27 unless:

28 1. Public assistance is being received by one of the
29 parents, both parents or the dependent child or children; or

30 2. The custodial parent or the parent entitled to receive
31 support has requested the Department of Revenue's assistance in
32 enforcing or modifying a child support order and has filed a
33 signed application for services under Title IV-D of the Social
34 Security Act.

35 (b) Notwithstanding the provisions of subparagraph (a)2.,
36 a parent is not eligible to receive assistance from the
37 Department of Revenue to determine paternity, to establish an
38 obligation of support, or to enforce or modify an obligation of
39 support, whichever is applicable, if that parent is being
40 represented by a private attorney in proceedings to determine
41 paternity, to establish an obligation of support, or to enforce
42 or modify an obligation of support, whichever is applicable,
43 unless public assistance is being received by that parent, the
44 other parent, or the dependent child or children.

45 Section 4. Paragraph (b) of subsection (5) of section
46 741.30, Florida Statutes, is amended to read:

47 741.30 Domestic violence; injunction; powers and duties of
48 court and clerk; petition; notice and hearing; temporary



Amendment No. 1

49 injunction; issuance of injunction; statewide verification
50 system; enforcement; public records exemption.—

51 (5)

52 (b) Except as provided in s. 90.204, in a hearing ex parte
53 for the purpose of obtaining such ex parte temporary injunction,
54 no evidence other than verified pleadings or affidavits shall be
55 used as evidence, unless the respondent appears at the hearing
56 or has received reasonable notice of the hearing. A denial of a
57 petition for an ex parte injunction shall be by written order
58 noting the legal grounds for denial. When the only ground for
59 denial is no appearance of an immediate and present danger of
60 domestic violence, the court shall set a full hearing on the
61 petition for injunction with notice at the earliest possible
62 time. Nothing herein affects a petitioner's right to promptly
63 amend any petition, or otherwise be heard in person on any
64 petition consistent with the Florida Rules of Civil Procedure.

65 Section 5. Paragraph (b) of subsection (6) of section
66 784.046, Florida Statutes, is amended to read:

67 784.046 Action by victim of repeat violence, sexual
68 violence, or dating violence for protective injunction; dating
69 violence investigations, notice to victims, and reporting;
70 pretrial release violations; public records exemption.—

71 (6)

72 (b) Except as provided in s. 90.204, in a hearing ex parte
73 for the purpose of obtaining such temporary injunction, no
74 evidence other than the verified pleading or affidavit shall be
75 used as evidence, unless the respondent appears at the hearing
76 or has received reasonable notice of the hearing.



Amendment No. 1

77 Section 6. Paragraph (b) of subsection (5) of section
78 784.0485, Florida Statutes, is amended to read:

79 784.0485 Stalking; injunction; powers and duties of court
80 and clerk; petition; notice and hearing; temporary injunction;
81 issuance of injunction; statewide verification system;
82 enforcement.—

83 (5)

84 (b) Except as provided in s. 90.204, in a hearing ex parte
85 for the purpose of obtaining such ex parte temporary injunction,
86 evidence other than verified pleadings or affidavits may not be
87 used as evidence, unless the respondent appears at the hearing
88 or has received reasonable notice of the hearing. A denial of a
89 petition for an ex parte injunction shall be by written order
90 noting the legal grounds for denial. If the only ground for
91 denial is no appearance of an immediate and present danger of
92 stalking, the court shall set a full hearing on the petition for
93 injunction with notice at the earliest possible time. This
94 paragraph does not affect a petitioner's right to promptly amend
95 any petition, or otherwise be heard in person on any petition
96 consistent with the Florida Rules of Civil Procedure.

97

98

99

100

101

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

102

Remove lines 6-14 and insert:

103

the court in family cases to take judicial notice of certain

104

court records without prior notice to the parties when imminent



Amendment No. 1

105 danger to persons or property has been alleged and it is
106 impractical to give prior notice; providing for a deferred
107 opportunity to present evidence; requiring a notice of such
108 judicial notice having been taken to be filed within a specified
109 period; providing that term "family cases" has the same meaning
110 as provided in the Rules of Judicial Administration; amending s.
111 409.2564, F.S.; providing that the Department of Revenue may not
112 undertake certain actions regarding paternity or support except
113 in certain circumstances; providing that a parent is not
114 eligible to receive assistance from the department for certain
115 actions if the parent is being represented by a private attorney
116 unless public assistance is being received; amending ss. 741.30,
117 784.046, and 784.0485, F.S.; creating an exception to a
118 prohibition against using evidence other than the verified
119 pleading or affidavit in an ex parte hearing for a temporary
120 injunction for protection against domestic violence, repeat
121 violence, sexual violence, dating violence, or stalking;
122 providing an effective
123

COMMITTEE MEETING REPORT

Judiciary Committee

3/14/2013 9:00:00AM

Location: 404 HOB

HB 7035 : Pretrial Detention

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	X				
Clay Ford			X		
Matt Gaetz	X				
Bill Hager	X				
Dave Kerner	X				
Charles McBurney	X				
Kionne McGhee		X			
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Ray Pilon	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
Total Yeas: 16		Total Nays: 1			

Committee meeting was reported out: Thursday, March 14, 2013 2:06:05PM