



Judiciary Committee

April 9, 2013

2:30 PM

404 HOB

Action Packet

Will Weatherford
Speaker

Dennis Baxley
Chair

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

Summary:

Judiciary Committee

Tuesday April 09, 2013 02:30 pm

CS/CS/HB 359	Favorable	Yeas: 17	Nays: 0
CS/CS/HB 575	Favorable	Yeas: 17	Nays: 1
CS/HB 691	Favorable With Committee Substitute	Yeas: 18	Nays: 0
Amendment 707343	Adopted Without Objection		
CS/HB 827	Favorable With Committee Substitute	Yeas: 12	Nays: 6
Amendment 673431	Adopted Without Objection		
Amendment 423281	Withdrawn		
Amendment 687209	Adopted Without Objection		
Amendment 834163	Adopted	Yeas: 10	Nays: 8
CS/HB 1021	Favorable With Committee Substitute	Yeas: 17	Nays: 0
Amendment 625435	Adopted Without Objection		
CS/HB 1077	Favorable	Yeas: 16	Nays: 0
CS/HB 1147	Temporarily Deferred		
CS/HB 1173	Favorable	Yeas: 18	Nays: 0
CS/HB 1411	Favorable	Yeas: 18	Nays: 0
CS/CS/HB 7005	Favorable With Committee Substitute	Yeas: 18	Nays: 0
Amendment 356581	Adopted as Amended		
Amendment 024711	Adopted Without Objection		
HB 7031	Favorable With Committee Substitute	Yeas: 18	Nays: 0
Amendment 165973	Adopted as Amended		
Amendment 143797	Adopted		
HB 7119	Favorable With Committee Substitute	Yeas: 16	Nays: 0
Amendment 110771	Adopted Without Objection		

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

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		
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	0

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COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/CS/HB 359 : Public Meetings by Higher Education & Workforce Subcommittee

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell				X	
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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			

Appearances:

Palmer, Andy (Lobbyist) (General Public) - Waive In Support
Harbor Branch Oceanographic Institute Foundation, Inc.
215 S Monroe Street, Suite 505
Tallahassee FL undefined
Phone: 850-205-9000

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/CS/HB 575 : Design Professionals

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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: 1			

Appearances:

Hebrank, Kari (Lobbyist) - Waive In Opposition
 Florida Home Builders Assn
 113 E College Ave, #200
 Tallahassee FL 32301
 Phone: 850-566-7824

Watson, Richard (Lobbyist) - Waive In Opposition
 Associated Builders & Contractors of Florida, Inc
 c/o Steve Cona 2008 N Himes Ave
 Tampa FL 33607
 Phone: (850)222-0000

Leary, Philip (Lobbyist) - Waive In Support
 Florida Association of Professional Geologists
 7438 Pinetree Ln
 Lake Clarke Shores FL 33406
 Phone: 386)937-7829

Rudd, Frank (Lobbyist) - Waive In Support
 Florida Engineering Society
 125 S Gadsden St
 Tallahassee FL 32301
 Phone: (850)224-7121

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/CS/HB 575 : Design Professionals (continued)

Appearances: (continued)

Mechling, Mark (General Public) - Waive In Support
President, Florida Institute of Consulting Engineers
1714 Belmonte Ave
Jacksonville FL 32207
Phone: 904-346-5468

Goin, Yeline (Lobbyist) - Waive In Opposition
Community Associates Leadership Lobby
204 S Monroe Street, Suite 203
Tallahassee FL 32301
Phone: 850-284-2460

Daniel, David (Lobbyist) - Waive In Support
Florida Surveying and Mapping Society
311 E Park Avenue
Tallahassee FL 32312
Phone: 850-224-5081

Husband, Warren (Lobbyist) - Waive In Opposition
Florida Associated General Contractors Council
PO Box 10909
Tallahassee FL 32302
Phone: (850)205-9000

Horne, James (Lobbyist) - Waive In Support
Reynolds, Smith and Hills, Inc
10748 Deerwood Park Blvd S
Jacksonville FL
Phone: 904)545-2957

Huey, Mike (Lobbyist) - Waive In Support
Florida Association of the American Institute of Architects
104 E Jefferson St
Tallahassee FL 32301
Phone: (850)577-9090

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

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 691 : Personal Identification Theft

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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 691 Amendments

Amendment 707343

Adopted Without Objection

Appearances:

Crumpler, Bruce (General Public) - Proponent
Corporal, Hillsborough County Sheriffs Office
2008 E 8th Avenue
Tampa FL 33605
Phone: 813-363-0375

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM



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
4.9.13*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Ahern offered the following:

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

5 Between lines 39 and 40, insert:

6 (c) Proof that a person used or was in possession of the
7 personal identification information of five or more individuals,
8 unless satisfactorily explained, gives rise to an inference that
9 the person who used or was in possession of the personal
10 identification information did so knowingly and intentionally
11 without authorization.

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

15 Remove line 8 and insert:

16 criminal penalties; providing that possession of identification
17 information of multiple individuals gives rise to an inference
18 of illegality; providing exemptions; providing

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 827 : Medicine

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell		X			
Marti Coley	X				
Dwight Dudley		X			
Heather Fitzenhagen	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: 12		Total Nays: 6			

CS/HB 827 Amendments

Amendment 673431

Adopted Without Objection

Amendment 423281

Withdrawn

Amendment 687209

Adopted Without Objection

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 827 : Medicine (continued)

Amendment 834163

Adopted

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley		X			
Dwight Dudley	X				
Heather Fitzenhagen	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 Yays: 10		Total Nays: 8			

Appearances:

Amendment 673431

Harris, Bob (Lobbyist) - Proponent

2618 Centennial Place

Tallahassee Florida 32312

Phone: 222-0720

Amendment 834163

Hart, David (Lobbyist) - Waive In Opposition

Florida Chamber of Commerce

136 S Bronough St

Tallahassee FL 32301

Phone: 850)521-1200

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COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 827 : Medicine (continued)

Appearances: (continued)

Amendment 834163

Large, William (Lobbyist) - Waive In Opposition

Florida Justice Reform Institute

210 S Monroe St

Tallahassee FL 32301-1824

Phone: (850)222-0170

Amendment 834163

Gustafson, Jim (General Public) - Proponent

FJA

1567 Cristobal Drive

Tallahassee FL 32303

Phone: 850-224-7600

Amendment 834163

Ratzan, Stuart (General Public) - Proponent

1450 Brickell Ave, Suite 2600

Miami FL 33131

Phone: 305-374-6366

Grant, John (Lobbyist) - Opponent

Florida Justice Association

218 S Monroe St

Tallahassee FL 32301

Phone: 813)787-9900

McMichael, Alan (General Public) - Opponent

527 East University Ave

Gainesville FL 32601

Phone: 352-375-4449

McKenna, Ken (General Public) - Opponent

3535 Lake Sarah Drive

Orlando FL 32804

Phone: 407-718-1178

Pita, Skip (General Public) - Opponent

9350 S Dixie Hwy, #1200

Miami FL 33156

Phone: 305-670-8060

Pierre, Elma (General Public) - Opponent

3332 Arthur Street

Hollywood FL 33021

Phone: 954-740-3672

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COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 827 : Medicine (continued)

Appearances: (continued)

Large, William (Lobbyist) - Waive In Support
Florida Justice Reform Institute
210 S Monroe St
Tallahassee FL 32301-1824
Phone: (850)222-0170

Bell, Bill (Lobbyist) - Waive In Support
Florida Hospital Association
306 E College Ave
Tallahassee FL 32301
Phone: (850) 222-9800

Watson, Ronald (Lobbyist) - Waive In Support
Florida Dental Association
118 E. Jefferson St.
Tallahassee FL 32301
Phone: (850) 224-1089

Scott, Jeff (Lobbyist) - Waive In Support
Florida Medical Association
113 E College Ave
Tallahassee FL 32301
Phone: (850)224-6496

Nuland, Chris (Lobbyist) - Waive In Support
Florida Chapter, American College of Physicians
1000 Riverside Avenue, #115
Jacksonville Florida 32204
Phone: (904) 355-1555

Amendment 834163

Sobel, Ken (General Public) - Waive In Support
7460 NW 127 Ter
Parkland FL 33076
Phone: 954-249-1078

Sobel, Ken (General Public) - Waive In Opposition
7460 NW 127 Ter
Parkland FL 33076
Phone: 954-249-1078

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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
4.9.13*

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

Amendment (with directory and title amendments)

Remove lines 109-123

9 -----
 10 **D I R E C T O R Y A M E N D M E N T**

11 Remove lines 104-105 and insert:

12 Section 2. Paragraph (a) of subsection (5) and subsection
 13 (14) of section 766.102, Florida Statutes,
 14

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

19 Remove lines 5-10 and insert:



Amendment No. 1

20 | patients; amending s. 766.102, F.S.; eliminating authorization

21 | for a specialist in

22 |



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 _____

*Withdrawn
4.9.13*

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

Amendment (with title amendment)

Remove line 209 and insert:

6 legal representative, if such a health care provider is named as
 7 a prospective witness to testify at trial on behalf of claimant
 8 in response to a written question or questions as provided in
 9 subparagraph 4. A claimant may not call one of his or her
 10 treating health care providers to testify at trial who was not
 11 named in response to such written question or questions as a
 12 witness on claimant's behalf except upon good cause shown.

14 -----
 15 **T I T L E A M E N D M E N T**

Remove line 21 and insert:

17 representative in certain circumstances; limiting when
 18 a claimant may call a treating health care provider as



Amendment No. 2

19 a witness in certain circumstances; amending s.

20 766.1065, F.S.; revising a



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
4.9.13*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Gaetz offered the following:

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

5 Remove lines 334-345
6
7

8
9 -----
10 **T I T L E A M E N D M E N T**

11 Remove lines 26-28 and insert:
12 representative; providing
13



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
4.9.13*

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

Amendment (with directory and title amendments)

Remove lines 124-154

7 -----
 8 **D I R E C T O R Y A M E N D M E N T**

9 Remove lines 104-106 and insert:

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

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

14 Remove lines 10-15 and insert:

15 actions;
16

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 1021 : Background Screening

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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 1021 Amendments

Amendment 625435

Adopted Without Objection

Appearances:

Farmer, Dana (Lobbyist) - Waive In Support
 Disability Rights Florida
 2728 Centerview Dr Ste 102
 Tallahassee FL 32301
 Phone: 850)488-9071

Koch, Karen (Lobbyist) (General Public) - Waive In Support
 Florida Council for Community Mental Health
 316 East Park Ave
 Tallahassee FL 32308
 Phone: (850) 224-6048

Gran, Jill (Lobbyist) - Waive In Support
 Florida Alcohol and Drug Abuse Association
 2868 Mahan Dr
 Tallahassee FL 32308
 Phone: 850-251-8988

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 1021 : Background Screening (continued)

Appearances: (continued)

Fontaine, Mark (Lobbyist) - Waive In Support
Florida Alcohol & Drug Abuse Association, Inc
2868 Mahan Dr Ste 1
Tallahassee FL 32308
Phone: (850)878-2196

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM



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
4.9.13*

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

4 **Amendment**

5 Remove lines 72-120 and insert:

6 Section 2. Paragraphs (f) and (g), and paragraphs (h)
7 through (q) of subsection (4) of section 408.809, Florida
8 Statutes, are redesignated as paragraphs (g) and (h), and (k)
9 through (t), respectively, and new paragraphs (f), (i), (j),
10 (u), and (v) are added to that subsection to read:

11 408.809 Background screening; prohibited offenses.—

12 (4) In addition to the offenses listed in s. 435.04, all
13 persons required to undergo background screening pursuant to
14 this part or authorizing statutes must not have an arrest
15 awaiting final disposition for, must not have been found guilty
16 of, regardless of adjudication, or entered a plea of nolo
17 contendere or guilty to, and must not have been adjudicated
18 delinquent and the record not have been sealed or expunged for
19 any of the following offenses or any similar offense of another
20 jurisdiction:



Amendment No. 1

21 (f) Section 777.04, relating to attempts, solicitation,
22 and conspiracy to commit an offense listed in this subsection.

23 (i) Section 817.481, relating to obtaining goods by using
24 false, expired, etc., credit cards, if the offense was a felony.

25 (j) Section 817.50, relating to fraudulently obtaining
26 goods, services, etc., from a health care provider.

27 (u) Section 895.03, relating to racketeering and illegal
28 debts.

29 (v) Section 896.101, relating to the Florida Money
30 Laundering Act.

31 Section 3. Paragraphs (d) through (yy) of subsection (2)
32 of section 435.04, Florida Statutes, are redesignated as
33 paragraphs (e) through (zz), respectively, paragraph (e) of
34 subsection (1) of that section is amended, and a new paragraph
35 (d) is added to subsection (2) of that section, to read:

36 435.04 Level 2 screening standards.—

37 (1)

38 (e) Vendors who submit fingerprints on behalf of employers
39 must:

40 1. Meet the requirements of s. 943.053; and

41 2. Have the ability to communicate electronically with the
42 state agency accepting screening results from the Department of
43 Law Enforcement and provide the first, middle, and last name;
44 social security number; date of birth; mailing address; sex; and
45 race of the applicant ~~a photograph of the applicant taken at the~~
46 ~~time the fingerprints are submitted.~~

47 (2) The security background investigations under this
48 section must ensure that no persons subject to the provisions of



Amendment No. 1

49 this section have been arrested for and are awaiting final
50 disposition of, have been found guilty of, regardless of
51 adjudication, or entered a plea of nolo contendere or guilty to,
52 or have been adjudicated delinquent and the record has not been
53 sealed or expunged for, any offense prohibited under any of the
54 following provisions of state law or similar law of another
55 jurisdiction:

56 (d) Section 777.04, relating to attempts, solicitation,
57 and conspiracy to commit an offense listed in this subsection.

58

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 1077 : Veterans' Charitable Organizations or Sponsors

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		
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			

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 1147 : Office of Attorney General

Temporarily Deferred

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 1173 : Florida Communications Fraud Act

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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			

Appearances:

Johnson, Rob (Lobbyist) (State Employee) - Waive In Support
Legislative Affairs Director, Office of the Attorney General
PL-01, The Capitol
Tallahassee FL 32399
Phone: 850-245-0145

Padgett, Samantha (Lobbyist) - Waive In Support
Florida Retail Federation
227 South Adams St.
Tallahassee FL 32301
Phone: 850-222-4082

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/HB 1411 : Pinellas County

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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			

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/CS/HB 7005 : **Massage Establishments**

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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/CS/HB 7005 Amendments

Amendment 356581

Adopted as Amended

Amendment 024711

Adopted Without Objection

Appearances:

Magill, James (Lobbyist) - Waive In Support
Keiser University
1900 W Commercial Blvd Ste 180
Ft Lauderdale FL 33309
Phone: (850)681-0411

Mabry, Janet (Lobbyist) - Waive In Support
Florida State Massage Therapy Association, Inc
1870 Aloma Ave Ste 260
Winter Park FL 32789
Phone: (850)501-2502

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

CS/CS/HB 7005 : Massage Establishments (continued)

Appearances: (continued)

Hill, Alan (General Public) - Waive In Support
Florida Sheriff's Association
2008 E 8th Avenue
Tampa FL 33605
Phone: 813-363-0375

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM



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
4.9.13*

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraphs (e) through (o) of subsection (1) are
7 redesignated as paragraphs (f) through (p), respectively, and a
8 new paragraph (e) of subsection (1) of section 480.046, Florida
9 Statutes, is added to read:

10 480.046 Grounds for disciplinary action by the board.—

11 (1) The following acts constitute grounds for denial of a
12 license or disciplinary action, as specified in s. 456.072(2):

13 (e) Advertising to induce or attempt to induce, or to
14 engage or attempt to engage, the client in unlawful sexual
15 misconduct, as described in s. 480.0485.

16 Section 2. Section 480.047, Florida Statutes, is amended
17 to read:

18 480.047 Penalties.—

19 (1) It is unlawful for any person to:

20 (a) Hold himself or herself out as a massage therapist or



Amendment No. 1

21 to practice massage unless duly licensed under this chapter or
22 unless otherwise specifically exempted from licensure under this
23 chapter.

24 (b) Operate any massage establishment unless it has been
25 duly licensed as provided herein, except that nothing herein
26 shall be construed to prevent the teaching of massage in this
27 state at a board-approved massage school.

28 (c) Permit an employed person to practice massage unless
29 duly licensed as provided herein.

30 (d) Present as his or her own the license of another.

31 (e) Allow the use of his or her license by an unlicensed
32 person.

33 (f) Give false or forged evidence to the department in
34 obtaining any license provided for herein.

35 (g) Falsely impersonate any other licenseholder of like or
36 different name.

37 (h) Use or attempt to use a license that has been revoked.

38 (i) Otherwise violate any of the provisions of this act.

39 (2) Except as otherwise provided in this chapter, any
40 person violating the provisions of this section is guilty of a
41 misdemeanor of the first degree, punishable as provided in s.
42 775.082 or s. 775.083.

43 Section 3. Section 480.0475, Florida Statutes, is created
44 to read:

45 480.0475 Massage establishments; prohibited practices.-

46 (1) A person may not operate a massage establishment
47 between the hours of midnight and 5 a.m. This subsection does
48 not apply to a massage establishment:



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49 (a) Located on the premises of a health care facility as
50 defined in s. 408.07; a health care clinic as defined in s.
51 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
52 terms are defined in s. 509.242; a timeshare property as defined
53 in s. 721.05; a public airport as defined in s. 330.27; or a
54 pari-mutuel facility as defined in s. 550.002; or

55 (b) In which every massage performed between the hours of
56 midnight and 5 a.m. is performed by a massage therapist acting
57 under the prescription of a physician or physician assistant
58 licensed under chapter 458, an osteopathic physician or
59 physician assistant licensed under chapter 459, a chiropractic
60 physician licensed under chapter 460, a podiatric physician
61 licensed under chapter 461, an advanced registered nurse
62 practitioner licensed under part I of chapter 464, or a dentist
63 licensed under chapter 466.

64 (c) Operating during a special event if the county or
65 municipality in which the establishment operates has approved
66 such operation during the special event.

67 (2) A person operating a massage establishment may not use
68 or permit the establishment to be used as a principal domicile
69 unless the establishment is zoned for residential use under a
70 local ordinance.

71 (3) A person violating the provisions of this section
72 commits a misdemeanor of the first degree, punishable as
73 provided in s. 775.082 or s. 775.083. A second or subsequent
74 violation of this section is a felony of the third degree,
75 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

76 Section 4. Subsection (3) is added to section 823.05,



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77 Florida Statutes, to read:

78 823.05 Places and groups engaged in criminal gang-related
79 activity declared a nuisance; massage establishments engaged in
80 prohibited activity; may be abated and enjoined.—

81 (3) A massage establishment as defined in s. 480.033(7)
82 that operates in violation of s. 480.0475 or s. 480.0535(2) is
83 declared a nuisance and may be abated or enjoined as provided in
84 ss. 60.05 and 60.06.

85 Section 5. This act shall take effect October 1, 2013.

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

90 Remove everything before the enacting clause and insert:

91 An act relating to massage establishments; amending s.

92 480.046, F.S.; providing additional grounds for the

93 denial of a license or disciplinary action; amending

94 s. 480.047, F.S.; revising penalties; creating s.

95 480.0475, F.S.; prohibiting the operation of a massage

96 establishment during specified times; providing

97 exceptions; prohibiting the use of a massage

98 establishment as a principal domicile unless the

99 establishment is zoned for residential use under a

100 local ordinance; providing penalties; amending s.

101 823.05, F.S.; declaring that a massage establishment

102 operating in violation of specified statutes is a

103 nuisance that may be abated or enjoined; providing an

104 effective date.



Amendment No. 1a

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
4.9.13*

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

**Amendment to Amendment (356581) by Representative Kerner
(with title amendment)**

Between lines 5 and 6 of the amendment, insert:

Section 1. Subsection (9) of section 480.033, Florida
Statutes, is amended to read:

480.033 Definitions.—As used in this act:

(9) "Board-approved massage school" means a facility which
meets minimum standards for training and curriculum as
determined by rule of the board and which is licensed by the
Department of Education pursuant to chapter 1005 or the
equivalent licensing authority of another state or is within the
public school system of this state, or a college or university
which is eligible to participate in the William F. Boyd, IV,
Florida Resident Access Grant Program.



Amendment No. 1a

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

Remove line 92 of the amendment and insert:
480.033, F.S.; revising the definition of the term "board-
approved massage school"; amending s. 480.046, F.S.; providing
additional grounds for the

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

HB 7031 : Sex Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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			

HB 7031 Amendments

Amendment 165973

Adopted as Amended

Amendment 143797

Adopted

Appearances:

Amendment 165973

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

Hill, Alan (General Public) - Waive In Support

Florida Sheriff's Association
2008 E 8th Avenue
Tampa FL 33605
Phone: 813-363-0375

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

HB 7031 : Sex Offenses (continued)

Appearances: (continued)

Connors, Jordan (Lobbyist) - Waive In Support

City of Port St. Lucie
2145 SW Cape Cod Dr
Port St. Lucie FL 34953
Phone: 772-418-6068

Amendment 143797

Daniels, Nancy (State Employee) - Opponent

Public Defender, 2nd circuit
Leon County Courthouse 301 S Monroe Street
Tallahassee FL 32301
Phone: 850-606-1010

Book, Ron (Lobbyist) - Proponent

Lauren's Kids and FL Council Against Sexual Violence
104 W. Jefferson
Tallahassee FL 32301
Phone: 850-224-3427

Amendment 143797

Aronberg, Dave (State Employee) - Waive In Support

State Attorney, 15th Judicial Circuit
401 N Dixie Hwy
West Palm Beach FL
Phone: 561-355-4100

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM



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
4.9.13*

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

Amendment (with title amendment)

Remove lines 105-1530 and insert:

developmental age of 14 ~~11~~ or less describing any act of child abuse or neglect, any act of sexual abuse against a child, the offense of child abuse, the offense of aggravated child abuse, or any offense involving an unlawful sexual act, contact, intrusion, or penetration performed in the presence of, with, by, or on the declarant child, not otherwise admissible, is admissible in evidence in any civil or criminal proceeding if:

1. The court finds in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient safeguards of reliability. In making its determination, the court may consider the mental and physical age and maturity of the child, the nature and duration of the abuse or offense, the relationship of the child to the offender, the reliability of the assertion, the reliability of the child victim, and any other factor deemed



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21 appropriate; and

22 2. The child either:

23 a. Testifies; or

24 b. Is unavailable as a witness, provided that there is
25 other corroborative evidence of the abuse or offense.

26 Unavailability shall include a finding by the court that the
27 child's participation in the trial or proceeding would result in
28 a substantial likelihood of severe emotional or mental harm, in
29 addition to findings pursuant to s. 90.804(1).

30 Section 2. Paragraph (i) of subsection (2), paragraph (a)
31 of subsection (4), paragraph (b) of subsection (5), subsections
32 (6) and (8), and paragraph (a) of subsection (10) of section
33 775.21, Florida Statutes, are amended to read:

34 775.21 The Florida Sexual Predators Act.—

35 (2) DEFINITIONS.—As used in this section, the term:

36 (i) "Internet identifier ~~Instant message name~~" means all
37 electronic mail, chat, instant messenger, social networking, or
38 similar name used for Internet communication, but does not
39 include a date of birth, social security number, or personal
40 identification number (PIN). Voluntary disclosure by the sexual
41 predator of his or her date of birth, social security number, or
42 personal identification number (PIN) as an Internet identifier
43 waives the disclosure exemption in this paragraph for such
44 personal information ~~an identifier that allows a person to~~
45 ~~communicate in real time with another person using the Internet.~~

46 (4) SEXUAL PREDATOR CRITERIA.—

47 (a) For a current offense committed on or after October 1,
48 1993, upon conviction, an offender shall be designated as a



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49 "sexual predator" under subsection (5), and subject to
50 registration under subsection (6) and community and public
51 notification under subsection (7) if:

52 1. The felony is:

53 a. A capital, life, or first-degree felony violation, or
54 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
55 is a minor and the defendant is not the victim's parent or
56 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
57 violation of a similar law of another jurisdiction; or

58 b. Any felony violation, or any attempt thereof, of s.
59 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
60 787.025(2)(c), where the victim is a minor and the defendant is
61 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
62 (g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s.
63 796.03; s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; ~~s.~~
64 ~~825.1025(2)(b);~~ s. 827.071; s. 847.0135~~(5)~~, excluding s.
65 847.0135(6); s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a
66 violation of a similar law of another jurisdiction, and the
67 offender has previously been convicted of or found to have
68 committed, or has pled nolo contendere or guilty to, regardless
69 of adjudication, any violation of s. 393.135(2); s. 394.4593(2);
70 s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
71 minor and the defendant is not the victim's parent or guardian;
72 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
73 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
74 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
75 847.0135(6); s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a
76 violation of a similar law of another jurisdiction;



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77 2. The offender has not received a pardon for any felony
78 or similar law of another jurisdiction that is necessary for the
79 operation of this paragraph; and

80 3. A conviction of a felony or similar law of another
81 jurisdiction necessary to the operation of this paragraph has
82 not been set aside in any postconviction proceeding.

83 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
84 as a sexual predator as follows:

85 (b) If a sexual predator is not sentenced to a term of
86 imprisonment, the clerk of the court shall ensure that the
87 sexual predator's fingerprints are taken and forwarded to the
88 department within 48 hours after the court renders its written
89 sexual predator finding. The fingerprints ~~card~~ shall be clearly
90 marked, "Sexual Predator Registration ~~Card~~." The clerk of the
91 court that convicts and sentences the sexual predator for the
92 offense or offenses described in subsection (4) shall forward to
93 the department and to the Department of Corrections a certified
94 copy of any order entered by the court imposing any special
95 condition or restriction on the sexual predator that ~~which~~
96 restricts or prohibits access to the victim, if the victim is a
97 minor, or to other minors.

98 (6) REGISTRATION.—

99 (a) A sexual predator must register with the department
100 through the sheriff's office by providing the following
101 information to the department:

102 1. Name; social security number; age; race; sex; date of
103 birth; height; weight; tattoos or other identifying marks; hair
104 and eye color; photograph; address of legal residence and



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105 address of any current temporary residence, within the state or
106 out of state, including a rural route address and a post office
107 box; if no permanent or temporary address, any transient
108 residence within the state; address, location or description,
109 and dates of any current or known future temporary residence
110 within the state or out of state; all any electronic mail
111 addresses address and all Internet identifiers any instant
112 message name required to be provided pursuant to subparagraph
113 (g)4.; all home telephone numbers number and any cellular
114 telephone numbers number; date and place of any employment; the
115 make, model, color, registration number, and license tag number
116 of all vehicles owned; date and place of each conviction;
117 fingerprints; palm prints; and a brief description of the crime
118 or crimes committed by the offender. A post office box shall not
119 be provided in lieu of a physical residential address. The
120 sexual predator must also produce his or her passport, if he or
121 she has a passport, and, if he or she is an alien, must produce
122 or provide information about documents establishing his or her
123 immigration status. The sexual predator must also provide
124 information about any professional licenses that he or she may
125 have.

126 a. If the sexual predator's place of residence is a motor
127 vehicle, trailer, mobile home, or manufactured home, as defined
128 in chapter 320, the sexual predator shall also provide to the
129 department written notice of the vehicle identification number;
130 the license tag number; the registration number; and a
131 description, including color scheme, of the motor vehicle,
132 trailer, mobile home, or manufactured home. If a sexual



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133 predator's place of residence is a vessel, live-aboard vessel,
134 or houseboat, as defined in chapter 327, the sexual predator
135 shall also provide to the department written notice of the hull
136 identification number; the manufacturer's serial number; the
137 name of the vessel, live-aboard vessel, or houseboat; the
138 registration number; and a description, including color scheme,
139 of the vessel, live-aboard vessel, or houseboat.

140 b. If the sexual predator is enrolled, employed,
141 volunteering, or carrying on a vocation at an institution of
142 higher education in this state, the sexual predator shall also
143 provide to the department the name, address, and county of each
144 institution, including each campus attended, and the sexual
145 predator's enrollment, volunteer, or employment status. Each
146 change in enrollment, volunteer, or employment status shall be
147 reported in person at the sheriff's office, or the Department of
148 Corrections if the sexual predator is in the custody or control
149 of or under the supervision of the Department of Corrections,
150 within 48 hours after any change in status. The sheriff or the
151 Department of Corrections shall promptly notify each institution
152 of the sexual predator's presence and any change in the sexual
153 predator's enrollment, volunteer, or employment status.

154 2. Any other information determined necessary by the
155 department, including criminal and corrections records;
156 nonprivileged personnel and treatment records; and evidentiary
157 genetic markers when available.

158 (b) If the sexual predator is in the custody or control
159 of, or under the supervision of, the Department of Corrections,
160 or is in the custody of a private correctional facility, the



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161 sexual predator must register with the Department of
162 Corrections. A sexual predator who is under the supervision of
163 the Department of Corrections but who is not incarcerated must
164 register with the Department of Corrections within 3 business
165 days after the court finds the offender to be a sexual predator.
166 The Department of Corrections shall provide to the department
167 registration information and the location of, and local
168 telephone number for, any Department of Corrections office that
169 is responsible for supervising the sexual predator. In addition,
170 the Department of Corrections shall notify the department if the
171 sexual predator escapes or absconds from custody or supervision
172 or if the sexual predator dies.

173 (c) If the sexual predator is in the custody of a local
174 jail, the custodian of the local jail shall register the sexual
175 predator within 3 business days after intake of the sexual
176 predator for any reason and upon release, and shall forward the
177 registration information to the department. The custodian of the
178 local jail shall also take a digitized photograph of the sexual
179 predator while the sexual predator remains in custody and shall
180 provide the digitized photograph to the department. The
181 custodian shall notify the department if the sexual predator
182 escapes from custody or dies.

183 (d) If the sexual predator is under federal supervision,
184 the federal agency responsible for supervising the sexual
185 predator may forward to the department any information regarding
186 the sexual predator which is consistent with the information
187 provided by the Department of Corrections under this section,
188 and may indicate whether use of the information is restricted to



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189 law enforcement purposes only or may be used by the department
190 for purposes of public notification.

191 (e)1. If the sexual predator is not in the custody or
192 control of, or under the supervision of, the Department of
193 Corrections or is not in the custody of a private correctional
194 facility, the sexual predator shall register in person:

195 a. At the sheriff's office in the county where he or she
196 establishes or maintains a residence within 48 hours after
197 establishing or maintaining a residence in this state; and

198 b. At the sheriff's office in the county where he or she
199 was designated a sexual predator by the court within 48 hours
200 after such finding is made.

201 2. Any change in the sexual predator's permanent or
202 temporary residence, name, ~~or any~~ electronic mail addresses, or
203 Internet identifiers ~~address and any instant message name~~
204 required to be provided pursuant to subparagraph (g)4., after
205 the sexual predator registers in person at the sheriff's office
206 as provided in subparagraph 1., shall be accomplished in the
207 manner provided in paragraphs (g), (i), and (j). When a sexual
208 predator registers with the sheriff's office, the sheriff shall
209 take a photograph, ~~and~~ a set of fingerprints, and palm prints of
210 the predator and forward the photographs, palm prints, and
211 fingerprints to the department, along with the information that
212 the predator is required to provide pursuant to this section.

213 (f) Within 48 hours after the registration required under
214 paragraph (a) or paragraph (e), a sexual predator who is not
215 incarcerated and who resides in the community, including a
216 sexual predator under the supervision of the Department of



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217 Corrections, shall register in person at a driver ~~driver's~~
218 license office of the Department of Highway Safety and Motor
219 Vehicles and shall present proof of registration. At the driver
220 ~~driver's~~ license office the sexual predator shall:

221 1. If otherwise qualified, secure a Florida driver
222 ~~driver's~~ license, renew a Florida driver ~~driver's~~ license, or
223 secure an identification card. The sexual predator shall
224 identify himself or herself as a sexual predator who is required
225 to comply with this section, provide his or her place of
226 permanent, temporary, or transient residence, including a rural
227 route address and a post office box, and submit to the taking of
228 a photograph for use in issuing a driver ~~driver's~~ license,
229 renewed license, or identification card, and for use by the
230 department in maintaining current records of sexual predators. A
231 post office box shall not be provided in lieu of a physical
232 residential address. If the sexual predator's place of residence
233 is a motor vehicle, trailer, mobile home, or manufactured home,
234 as defined in chapter 320, the sexual predator shall also
235 provide to the Department of Highway Safety and Motor Vehicles
236 the vehicle identification number; the license tag number; the
237 registration number; and a description, including color scheme,
238 of the motor vehicle, trailer, mobile home, or manufactured
239 home. If a sexual predator's place of residence is a vessel,
240 live-aboard vessel, or houseboat, as defined in chapter 327, the
241 sexual predator shall also provide to the Department of Highway
242 Safety and Motor Vehicles the hull identification number; the
243 manufacturer's serial number; the name of the vessel, live-
244 aboard vessel, or houseboat; the registration number; and a



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245 description, including color scheme, of the vessel, live-aboard
246 vessel, or houseboat.

247 2. Pay the costs assessed by the Department of Highway
248 Safety and Motor Vehicles for issuing or renewing a driver
249 ~~driver's~~ license or identification card as required by this
250 section. The driver ~~driver's~~ license or identification card
251 issued to the sexual predator must be in compliance with s.
252 322.141(3).

253 3. Provide, upon request, any additional information
254 necessary to confirm the identity of the sexual predator,
255 including a set of fingerprints.

256 (g)1. Each time a sexual predator's driver ~~driver's~~
257 license or identification card is subject to renewal, and,
258 without regard to the status of the predator's driver ~~driver's~~
259 license or identification card, within 48 hours after any change
260 of the predator's residence or change in the predator's name by
261 reason of marriage or other legal process, the predator shall
262 report in person to a driver ~~driver's~~ license office and shall
263 be subject to the requirements specified in paragraph (f). The
264 Department of Highway Safety and Motor Vehicles shall forward to
265 the department and to the Department of Corrections all
266 photographs and information provided by sexual predators.
267 Notwithstanding the restrictions set forth in s. 322.142, the
268 Department of Highway Safety and Motor Vehicles is authorized to
269 release a reproduction of a color-photograph or digital-image
270 license to the Department of Law Enforcement for purposes of
271 public notification of sexual predators as provided in this
272 section. A sexual predator who is unable to secure or update a



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273 driver license or identification card with the Department of
274 Highway Safety and Motor Vehicles as provided in paragraph (f)
275 and this paragraph must also report any change of the predator's
276 residence or change in the predator's name by reason of marriage
277 or other legal process within 48 hours after the change to the
278 sheriff's office in the county where the predator resides or is
279 located and provide confirmation that he or she reported such
280 information to the Department of Highway Safety and Motor
281 Vehicles.

282 2. A sexual predator who vacates a permanent, temporary,
283 or transient residence and fails to establish or maintain
284 another permanent, temporary, or transient residence shall,
285 within 48 hours after vacating the permanent, temporary, or
286 transient residence, report in person to the sheriff's office of
287 the county in which he or she is located. The sexual predator
288 shall specify the date upon which he or she intends to or did
289 vacate such residence. The sexual predator must provide or
290 update all of the registration information required under
291 paragraph (a). The sexual predator must provide an address for
292 the residence or other place that he or she is or will be
293 located during the time in which he or she fails to establish or
294 maintain a permanent or temporary residence.

295 3. A sexual predator who remains at a permanent,
296 temporary, or transient residence after reporting his or her
297 intent to vacate such residence shall, within 48 hours after the
298 date upon which the predator indicated he or she would or did
299 vacate such residence, report in person to the sheriff's office
300 to which he or she reported pursuant to subparagraph 2. for the



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301 purpose of reporting his or her address at such residence. When
302 the sheriff receives the report, the sheriff shall promptly
303 convey the information to the department. An offender who makes
304 a report as required under subparagraph 2. but fails to make a
305 report as required under this subparagraph commits a felony of
306 the second degree, punishable as provided in s. 775.082, s.
307 775.083., or s. 775.084.

308 4. A sexual predator must register all any electronic mail
309 addresses and Internet identifiers ~~address or instant message~~
310 ~~name~~ with the department before ~~prior to~~ using such electronic
311 mail addresses and Internet identifiers ~~address or instant~~
312 ~~message name on or after October 1, 2007.~~ The department shall
313 establish an online system through which sexual predators may
314 securely access and update all electronic mail address and
315 Internet identifier ~~instant message name~~ information.

316 (h) The department must notify the sheriff and the state
317 attorney of the county and, if applicable, the police chief of
318 the municipality, where the sexual predator maintains a
319 residence.

320 (i) A sexual predator who intends to establish a
321 permanent, temporary, or transient residence in another state or
322 jurisdiction other than the State of Florida shall report in
323 person to the sheriff of the county of current residence within
324 48 hours before the date he or she intends to leave this state
325 to establish residence in another state or jurisdiction or
326 within 21 days before his or her planned departure date if the
327 intended residence of 5 days or more is outside of the United
328 States. The sexual predator must provide to the sheriff the



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329 address, municipality, county, ~~and~~ state, and country of
330 intended residence. The sheriff shall promptly provide to the
331 department the information received from the sexual predator.
332 The department shall notify the statewide law enforcement
333 agency, or a comparable agency, in the intended state, ~~or~~
334 jurisdiction, or country of residence of the sexual predator's
335 intended residence. The failure of a sexual predator to provide
336 his or her intended place of residence is punishable as provided
337 in subsection (10).

338 (j) A sexual predator who indicates his or her intent to
339 establish a permanent, temporary, or transient residence in
340 another state, a ~~or~~ jurisdiction other than the State of
341 Florida, or another country and later decides to remain in this
342 state shall, within 48 hours after the date upon which the
343 sexual predator indicated he or she would leave this state,
344 report in person to the sheriff to which the sexual predator
345 reported the intended change of residence, and report his or her
346 intent to remain in this state. If the sheriff is notified by
347 the sexual predator that he or she intends to remain in this
348 state, the sheriff shall promptly report this information to the
349 department. A sexual predator who reports his or her intent to
350 establish a permanent, temporary, or transient residence in
351 another state, a ~~or~~ jurisdiction other than the State of
352 Florida, or another country, but who remains in this state
353 without reporting to the sheriff in the manner required by this
354 paragraph, commits a felony of the second degree, punishable as
355 provided in s. 775.082, s. 775.083, or s. 775.084.

356 (k)1. The department is responsible for the online



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357 maintenance of current information regarding each registered
358 sexual predator. The department must maintain hotline access for
359 state, local, and federal law enforcement agencies to obtain
360 instantaneous locator file and offender characteristics
361 information on all released registered sexual predators for
362 purposes of monitoring, tracking, and prosecution. The
363 photograph and fingerprints do not have to be stored in a
364 computerized format.

365 2. The department's sexual predator registration list,
366 containing the information described in subparagraph (a)1., is a
367 public record. The department is authorized to disseminate this
368 public information by any means deemed appropriate, including
369 operating a toll-free telephone number for this purpose. When
370 the department provides information regarding a registered
371 sexual predator to the public, department personnel must advise
372 the person making the inquiry that positive identification of a
373 person believed to be a sexual predator cannot be established
374 unless a fingerprint comparison is made, and that it is illegal
375 to use public information regarding a registered sexual predator
376 to facilitate the commission of a crime.

377 3. The department shall adopt guidelines as necessary
378 regarding the registration of sexual predators and the
379 dissemination of information regarding sexual predators as
380 required by this section.

381 (1) A sexual predator must maintain registration with the
382 department for the duration of his or her life, unless the
383 sexual predator has received a full pardon or has had a
384 conviction set aside in a postconviction proceeding for any



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385 offense that met the criteria for the sexual predator
386 designation.

387 (8) VERIFICATION.—The department and the Department of
388 Corrections shall implement a system for verifying the addresses
389 of sexual predators. The system must be consistent with the
390 provisions of the federal Adam Walsh Child Protection and Safety
391 Act of 2006 and any other federal standards applicable to such
392 verification or required to be met as a condition for the
393 receipt of federal funds by the state. The Department of
394 Corrections shall verify the addresses of sexual predators who
395 are not incarcerated but who reside in the community under the
396 supervision of the Department of Corrections and shall report to
397 the department any failure by a sexual predator to comply with
398 registration requirements. County and local law enforcement
399 agencies, in conjunction with the department, shall verify the
400 addresses of sexual predators who are not under the care,
401 custody, control, or supervision of the Department of
402 Corrections. Local law enforcement agencies shall report to the
403 department any failure by a sexual predator to comply with
404 registration requirements.

405 (a) A sexual predator must report in person each year
406 during the month of the sexual predator's birthday and during
407 every third month thereafter to the sheriff's office in the
408 county in which he or she resides or is otherwise located to
409 reregister. The sheriff's office may determine the appropriate
410 times and days for reporting by the sexual predator, which shall
411 be consistent with the reporting requirements of this paragraph.
412 Reregistration shall include any changes to the following



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413 information:

414 1. Name; social security number; age; race; sex; date of
415 birth; height; weight; tattoos or other identifying marks; hair
416 and eye color; address of any permanent residence and address of
417 any current temporary residence, within the state or out of
418 state, including a rural route address and a post office box; if
419 no permanent or temporary address, any transient residence
420 within the state; address, location or description, and dates of
421 any current or known future temporary residence within the state
422 or out of state; ~~any~~ electronic mail addresses or Internet
423 identifiers address and any instant message name required to be
424 provided pursuant to subparagraph (6)(g)4.; home telephone
425 numbers or number and any cellular telephone numbers number;
426 date and place of any employment; the vehicle make, model,
427 color, registration number, and license tag number of any
428 vehicles owned; fingerprints; palm prints; and photograph. A
429 post office box shall not be provided in lieu of a physical
430 residential address. The sexual predator must also produce his
431 or her passport, if he or she has a passport, and, if he or she
432 is an alien, must produce or provide information about documents
433 establishing his or her immigration status. The sexual predator
434 must also provide information about any professional licenses
435 that he or she may have.

436 2. If the sexual predator is enrolled, employed,
437 volunteering, or carrying on a vocation at an institution of
438 higher education in this state, the sexual predator shall also
439 provide to the department the name, address, and county of each
440 institution, including each campus attended, and the sexual



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441 predator's enrollment, volunteer, or employment status.

442 3. If the sexual predator's place of residence is a motor
443 vehicle, trailer, mobile home, or manufactured home, as defined
444 in chapter 320, the sexual predator shall also provide the
445 vehicle identification number; the license tag number; the
446 registration number; and a description, including color scheme,
447 of the motor vehicle, trailer, mobile home, or manufactured
448 home. If the sexual predator's place of residence is a vessel,
449 live-aboard vessel, or houseboat, as defined in chapter 327, the
450 sexual predator shall also provide the hull identification
451 number; the manufacturer's serial number; the name of the
452 vessel, live-aboard vessel, or houseboat; the registration
453 number; and a description, including color scheme, of the
454 vessel, live-aboard vessel, or houseboat.

455 (b) The sheriff's office shall, within 2 working days,
456 electronically submit and update all information provided by the
457 sexual predator to the department in a manner prescribed by the
458 department.

459 (10) PENALTIES.—

460 (a) Except as otherwise specifically provided, a sexual
461 predator who fails to register; who fails, after registration,
462 to maintain, acquire, or renew a driver ~~driver's~~ license or
463 identification card; who fails to provide required location
464 information, electronic mail address information before use,
465 Internet identifier ~~instant message name~~ information before use,
466 all home telephone numbers ~~number~~ and ~~any~~ cellular telephone
467 numbers ~~number~~, or change-of-name information; who fails to make
468 a required report in connection with vacating a permanent



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469 residence; who fails to reregister as required; who fails to
470 respond to any address verification correspondence from the
471 department within 3 weeks of the date of the correspondence; who
472 knowingly provides false registration information by act or
473 omission; or who otherwise fails, by act or omission, to comply
474 with the requirements of this section, commits a felony of the
475 third degree, punishable as provided in s. 775.082, s. 775.083,
476 or s. 775.084.

477 Section 3. Section 800.03, Florida Statutes, is amended to
478 read:

479 800.03 Exposure of sexual organs.—

480 (1) It is unlawful to expose or exhibit one's sexual
481 organs in public or on the private premises of another, or so
482 near thereto as to be seen from such private premises, in a
483 vulgar or indecent manner, or to be naked in public except in
484 any place provided or set apart for that purpose.

485 (2)(a) Except as provided in paragraph (b), a violation of
486 this section is a misdemeanor of the first degree, punishable as
487 provided in s. 775.082 or s. 775.083.

488 (b) A third or subsequent violation of this section is a
489 felony of the third degree, punishable as provided in s.
490 775.082, s. 775.083, or s. 775.084.

491 (3) A mother's breastfeeding of her baby does not under
492 any circumstance violate this section.

493 Section 4. Paragraph (m) is added to subsection (2) of
494 section 903.046, Florida Statutes, to read:

495 903.046 Purpose of and criteria for bail determination.—

496 (2) When determining whether to release a defendant on



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497 bail or other conditions, and what that bail or those conditions
498 may be, the court shall consider:

499 (m) Whether the defendant, other than a defendant whose
500 only criminal charge is a misdemeanor offense under chapter 316,
501 is required to register as a sexual offender under s. 943.0435
502 or a sexual predator under s. 775.21; and, if so, he or she is
503 not eligible for release on bail or surety bond until the first
504 appearance on the case in order to ensure the full participation
505 of the prosecutor and the protection of the public.

506 Section 5. Paragraphs (a) and (g) of subsection (1),
507 subsection (2), paragraphs (a) and (d) of subsection (4),
508 subsections (7), (8), and (11), and paragraphs (b) and (c) of
509 subsection (14) of section 943.0435, Florida Statutes, are
510 amended to read:

511 943.0435 Sexual offenders required to register with the
512 department; penalty.--

513 (1) As used in this section, the term:

514 (a)1. "Sexual offender" means a person who meets the
515 criteria in sub-subparagraph a., sub-subparagraph b., sub-
516 subparagraph c., or sub-subparagraph d., as follows:

517 a.(I) Has been convicted of committing, or attempting,
518 soliciting, or conspiring to commit, any of the criminal
519 offenses proscribed in the following statutes in this state or
520 similar offenses in another jurisdiction: s. 393.135(2); s.
521 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
522 the victim is a minor and the defendant is not the victim's
523 parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s.
524 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.



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525 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
526 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
527 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any
528 similar offense committed in this state which has been
529 redesignated from a former statute number to one of those listed
530 in this sub-sub-subparagraph; and

531 (II) Has been released on or after October 1, 1997, from
532 the sanction imposed for any conviction of an offense described
533 in sub-sub-subparagraph (I). For purposes of sub-sub-
534 subparagraph (I), a sanction imposed in this state or in any
535 other jurisdiction includes, but is not limited to, a fine,
536 probation, community control, parole, conditional release,
537 control release, or incarceration in a state prison, federal
538 prison, private correctional facility, or local detention
539 facility;

540 b. Establishes or maintains a residence in this state and
541 who has not been designated as a sexual predator by a court of
542 this state but who has been designated as a sexual predator, as
543 a sexually violent predator, or by another sexual offender
544 designation in another state or jurisdiction and was, as a
545 result of such designation, subjected to registration or
546 community or public notification, or both, or would be if the
547 person were a resident of that state or jurisdiction, without
548 regard to whether the person otherwise meets the criteria for
549 registration as a sexual offender;

550 c. Establishes or maintains a residence in this state who
551 is in the custody or control of, or under the supervision of,
552 any other state or jurisdiction as a result of a conviction for



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553 committing, or attempting, soliciting, or conspiring to commit,
554 any of the criminal offenses proscribed in the following
555 statutes or similar offense in another jurisdiction: s.
556 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
557 787.025(2)(c), where the victim is a minor and the defendant is
558 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
559 (g), or (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s.
560 796.03; s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
561 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
562 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
563 985.701(1); or any similar offense committed in this state which
564 has been redesignated from a former statute number to one of
565 those listed in this sub-subparagraph; or

566 d. On or after July 1, 2007, has been adjudicated
567 delinquent for committing, or attempting, soliciting, or
568 conspiring to commit, any of the criminal offenses proscribed in
569 the following statutes in this state or similar offenses in
570 another jurisdiction when the juvenile was 14 years of age or
571 older at the time of the offense:

572 (I) Section 794.011, excluding s. 794.011(10);

573 (II) Section 800.04(4)(b) where the victim is under 12
574 years of age or where the court finds sexual activity by the use
575 of force or coercion;

576 (III) Section 800.04(5)(c)1. where the court finds
577 molestation involving unclothed genitals; or

578 (IV) Section 800.04(5)(d) where the court finds the use of
579 force or coercion and unclothed genitals.

580 2. For all qualifying offenses listed in sub-subparagraph



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581 (1)(a)1.d., the court shall make a written finding of the age of
582 the offender at the time of the offense.

583

584 For each violation of a qualifying offense listed in this
585 subsection, except for a violation of s. 794.011, the court
586 shall make a written finding of the age of the victim at the
587 time of the offense. For a violation of s. 800.04(4), the court
588 shall additionally make a written finding indicating that the
589 offense did or did not involve sexual activity and indicating
590 that the offense did or did not involve force or coercion. For a
591 violation of s. 800.04(5), the court shall additionally make a
592 written finding that the offense did or did not involve
593 unclothed genitals or genital area and that the offense did or
594 did not involve the use of force or coercion.

595 (g) "Internet identifier ~~Instant message name~~" has the
596 same meaning as provided in s. 775.21 ~~means an identifier that~~
597 ~~allows a person to communicate in real time with another person~~
598 ~~using the Internet.~~

599 (2) A sexual offender shall:

600 (a) Report in person at the sheriff's office:

601 1. In the county in which the offender establishes or
602 maintains a permanent, temporary, or transient residence within
603 48 hours after:

604 a. Establishing permanent, temporary, or transient
605 residence in this state; or

606 b. Being released from the custody, control, or
607 supervision of the Department of Corrections or from the custody
608 of a private correctional facility; or



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609 2. In the county where he or she was convicted within 48
610 hours after being convicted for a qualifying offense for
611 registration under this section if the offender is not in the
612 custody or control of, or under the supervision of, the
613 Department of Corrections, or is not in the custody of a private
614 correctional facility.

615 Any change in the information required to be provided pursuant
616 to paragraph (b), including, but not limited to, any change in
617 the sexual offender's permanent, temporary, or transient
618 residence, name, ~~any~~ electronic mail addresses, or Internet
619 identifiers ~~address and any instant message name~~ required to be
620 provided pursuant to paragraph (4)(d), after the sexual offender
621 reports in person at the sheriff's office, shall be accomplished
622 in the manner provided in subsections (4), (7), and (8).

623 (b) Provide his or her name; date of birth; social
624 security number; race; sex; height; weight; hair and eye color;
625 tattoos or other identifying marks; fingerprints; photograph;
626 occupation and place of employment; address of permanent or
627 legal residence or address of any current temporary residence,
628 within the state or out of state, including a rural route
629 address and a post office box; if no permanent or temporary
630 address, any transient residence within the state, address,
631 location or description, and dates of any current or known
632 future temporary residence within the state or out of state; the
633 make, model, color, registration number, and license tag number
634 of all vehicles owned; all home telephone numbers ~~number~~ and ~~any~~
635 cellular telephone numbers ~~number~~; all any electronic mail
636 addresses ~~address~~ and all Internet identifiers ~~any instant~~



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637 ~~message name~~ required to be provided pursuant to paragraph
638 (4)(d); fingerprints; palm prints; photograph; date and place of
639 each conviction; and a brief description of the crime or crimes
640 committed by the offender. A post office box shall not be
641 provided in lieu of a physical residential address. The sexual
642 offender must also produce his or her passport, if he or she has
643 a passport, and, if he or she is an alien, must produce or
644 provide information about documents establishing his or her
645 immigration status. The sexual offender must also provide
646 information about any professional licenses that he or she may
647 have.

648 1. If the sexual offender's place of residence is a motor
649 vehicle, trailer, mobile home, or manufactured home, as defined
650 in chapter 320, the sexual offender shall also provide to the
651 department through the sheriff's office written notice of the
652 vehicle identification number; the license tag number; the
653 registration number; and a description, including color scheme,
654 of the motor vehicle, trailer, mobile home, or manufactured
655 home. If the sexual offender's place of residence is a vessel,
656 live-aboard vessel, or houseboat, as defined in chapter 327, the
657 sexual offender shall also provide to the department written
658 notice of the hull identification number; the manufacturer's
659 serial number; the name of the vessel, live-aboard vessel, or
660 houseboat; the registration number; and a description, including
661 color scheme, of the vessel, live-aboard vessel, or houseboat.

662 2. If the sexual offender is enrolled, employed,
663 volunteering, or carrying on a vocation at an institution of
664 higher education in this state, the sexual offender shall also



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665 provide to the department through the sheriff's office the name,
666 address, and county of each institution, including each campus
667 attended, and the sexual offender's enrollment, volunteer, or
668 employment status. Each change in enrollment, volunteer, or
669 employment status shall be reported in person at the sheriff's
670 office, within 48 hours after any change in status. The sheriff
671 shall promptly notify each institution of the sexual offender's
672 presence and any change in the sexual offender's enrollment,
673 volunteer, or employment status.

674 (c) Provide any other information determined necessary by
675 the department, including criminal and corrections records;
676 nonprivileged personnel and treatment records; and evidentiary
677 genetic markers, when available.

678 When a sexual offender reports at the sheriff's office, the
679 sheriff shall take a photograph, and a set of fingerprints, and
680 palm prints of the offender and forward the photographs, palm
681 prints, and fingerprints to the department, along with the
682 information provided by the sexual offender. The sheriff shall
683 promptly provide to the department the information received from
684 the sexual offender.

685 (4) (a) Each time a sexual offender's driver ~~driver's~~
686 license or identification card is subject to renewal, and,
687 without regard to the status of the offender's driver ~~driver's~~
688 license or identification card, within 48 hours after any change
689 in the offender's permanent, temporary, or transient residence
690 or change in the offender's name by reason of marriage or other
691 legal process, the offender shall report in person to a driver
692 ~~driver's~~ license office, and shall be subject to the



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693 requirements specified in subsection (3). The Department of
694 Highway Safety and Motor Vehicles shall forward to the
695 department all photographs and information provided by sexual
696 offenders. Notwithstanding the restrictions set forth in s.
697 322.142, the Department of Highway Safety and Motor Vehicles is
698 authorized to release a reproduction of a color-photograph or
699 digital-image license to the Department of Law Enforcement for
700 purposes of public notification of sexual offenders as provided
701 in this section and ss. 943.043 and 944.606. A sexual offender
702 who is unable to secure or update a driver license or
703 identification card with the Department of Highway Safety and
704 Motor Vehicles as provided in subsection (3) and this subsection
705 must also report any change in the sexual offender's permanent,
706 temporary, or transient residence or change in the offender's
707 name by reason of marriage or other legal process within 48
708 hours after the change to the sheriff's office in the county
709 where the offender resides or is located and provide
710 confirmation that he or she reported such information to the
711 Department of Highway Safety and Motor Vehicles.

712 (d) A sexual offender must register all any electronic
713 mail addresses and Internet identifiers ~~address or instant~~
714 ~~message name~~ with the department before ~~prior to~~ using such
715 electronic mail addresses and Internet identifiers ~~address or~~
716 ~~instant message name on or after October 1, 2007.~~ The department
717 shall establish an online system through which sexual offenders
718 may securely access and update all electronic mail address and
719 Internet identifier ~~instant message name~~ information.

720 (7) A sexual offender who intends to establish a



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721 permanent, temporary, or transient residence in another state or
722 jurisdiction other than the State of Florida shall report in
723 person to the sheriff of the county of current residence within
724 48 hours before the date he or she intends to leave this state
725 to establish residence in another state or jurisdiction or
726 within 21 days before his or her planned departure date if the
727 intended residence of 5 days or more is outside of the United
728 States. The notification must include the address, municipality,
729 county, ~~and~~ state, and country of intended residence. The
730 sheriff shall promptly provide to the department the information
731 received from the sexual offender. The department shall notify
732 the statewide law enforcement agency, or a comparable agency, in
733 the intended state, ~~or~~ jurisdiction, or country of residence of
734 the sexual offender's intended residence. The failure of a
735 sexual offender to provide his or her intended place of
736 residence is punishable as provided in subsection (9).

737 (8) A sexual offender who indicates his or her intent to
738 establish a permanent, temporary, or transient residence in
739 another state, a ~~or~~ jurisdiction other than the State of
740 Florida, or another country and later decides to remain in this
741 state shall, within 48 hours after the date upon which the
742 sexual offender indicated he or she would leave this state,
743 report in person to the sheriff to which the sexual offender
744 reported the intended change of permanent, temporary, or
745 transient residence, and report his or her intent to remain in
746 this state. The sheriff shall promptly report this information
747 to the department. A sexual offender who reports his or her
748 intent to establish a permanent, temporary, or transient



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749 residence in another state, a ~~of~~ jurisdiction other than the
750 State of Florida, or another country but who remains in this
751 state without reporting to the sheriff in the manner required by
752 this subsection commits a felony of the second degree,
753 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

754 (11) Except as provided in this subsection and s.
755 943.04354, a sexual offender must maintain registration with the
756 department for the duration of his or her life, unless the
757 sexual offender has received a full pardon or has had a
758 conviction set aside in a postconviction proceeding for any
759 offense that meets the criteria for classifying the person as a
760 sexual offender for purposes of registration. ~~However, a sexual~~
761 ~~offender.~~

762 (a)1. A sexual offender may petition the criminal division
763 of the circuit court of the circuit in which the sexual offender
764 resides for the purpose of removing the requirement for
765 registration as a sexual offender if ~~who has been lawfully~~
766 ~~released from confinement, supervision, or sanction, whichever~~
767 ~~is later, for at least 25 years and has not been arrested for~~
768 ~~any felony or misdemeanor offense since release, provided that~~
769 ~~the sexual offender's requirement to register was not based upon~~
770 ~~an adult conviction:~~

771 a. Twenty-five years have elapsed since the sexual
772 offender's registration period for the most recent conviction
773 that required the offender to register began, excluding any
774 period in which the offender was supervised by the Department of
775 Corrections.

776 b. The sexual offender has not been convicted or



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777 adjudicated delinquent of any felony offense or of an offense
778 punishable by more than 1 year of imprisonment during the 25
779 years preceding the petition to the court.

780 c. The sexual offender has successfully completed all
781 sanctions imposed for all offenses that required the offender to
782 register.

783 d. The sexual offender's requirement to register was not
784 based upon an adult conviction for a violation of ss. 787.01 and
785 794.011, excluding s. 794.011(10), s. 800.04(4)(b) where the
786 court finds the offense involved a victim under 12 years of age
787 or sexual activity by the use of force or coercion, s.
788 800.04(5)(b) or s. 800.04(5)(c)2. where the court finds the
789 offense involved the use of force or coercion and unclothed
790 genitals or genital area; for any attempt or conspiracy to
791 commit any offense listed in this sub-subparagraph; for a
792 violation of similar law of another jurisdiction; or for a
793 violation of a similar offense committed in this state which has
794 been redesignated from a former statute number to one of those
795 listed in this sub-subparagraph.

796 e. For sexual offenders whose requirement to register is
797 based upon a conviction in another state, the sexual offender is
798 not required to register as a sexual offender pursuant to the
799 laws of the state where the conviction occurred. Such an
800 offender must provide the court written confirmation that he or
801 she is not required to register in the state where the
802 conviction occurred.

803 a. For a violation of s. 787.01 or s. 787.02;

804 b. For a violation of s. 794.011, excluding s.



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805 ~~794.011(10);~~

806 ~~e. For a violation of s. 800.04(4)(b) where the court~~
807 ~~finds the offense involved a victim under 12 years of age or~~
808 ~~sexual activity by the use of force or coercion;~~

809 ~~d. For a violation of s. 800.04(5)(b);~~

810 ~~e. For a violation of s. 800.04(5)c.2. where the court~~
811 ~~finds the offense involved unclothed genitals or genital area;~~

812 ~~f. For any attempt or conspiracy to commit any such~~
813 ~~offense; or~~

814 ~~g. For a violation of similar law of another jurisdiction,~~
815 ~~may petition the criminal division of the circuit court of the~~
816 ~~circuit in which the sexual offender resides for the purpose of~~
817 ~~removing the requirement for registration as a sexual offender.~~

818 2. A sexual offender whose requirement to register was
819 based upon an adult conviction for a violation of s. 787.02 or
820 s. 827.071(5), for any attempt or conspiracy to commit any
821 offense listed in this subparagraph, or for a violation of
822 similar law of another jurisdiction, may petition the criminal
823 division of the circuit court of the circuit in which the sexual
824 offender resides for the purpose of removing the requirement for
825 registration as a sexual offender if:

826 a. Fifteen years have elapsed since the sexual offender's
827 registration period for the most recent conviction that required
828 the offender to register began, excluding any period in which
829 the offender was supervised by the Department of Corrections.

830 b. The sexual offender has not been convicted or
831 adjudicated delinquent of any felony offense or of an offense
832 punishable by more than 1 year of imprisonment during the 10



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833 years preceding the petition to the court.

834 c. The sexual offender has successfully completed all
835 sanctions imposed for all offenses that required the offender to
836 register.

837 d. For sexual offenders whose requirement to register is
838 based upon a conviction in another state, the sexual offender is
839 not required to register as a sexual offender pursuant to the
840 laws of the state where the conviction occurred. Such an
841 offender must provide the court written confirmation that he or
842 she is not required to register in the state where the
843 conviction occurred.

844 3. A sexual offender required to register under sub-
845 subparagraph (1)(a)1.d. may petition the criminal division of
846 the circuit court of the circuit in which the sexual offender
847 resides for the purpose of removing the requirement for
848 registration as a sexual offender if:

849 a. Twenty-five years have elapsed since the sexual
850 offender's registration period for the most recent adjudication
851 that required the offender to register began, excluding any
852 period in which the offender was supervised by the Department of
853 Juvenile Justice.

854 b. The sexual offender has not been convicted or
855 adjudicated delinquent of any felony offense or of an offense
856 punishable by more than 1 year of imprisonment during the 25
857 years preceding the petition to the court.

858 c. The sexual offender has successfully completed all
859 sanctions imposed for all offenses that required the offender to
860 register.



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861 4.2. The court may grant or deny relief if the offender
862 demonstrates to the court that ~~he or she has not been arrested~~
863 ~~for any crime since release~~; the requested relief complies with
864 this paragraph, ~~the provisions of~~ the federal Adam Walsh Child
865 Protection and Safety Act of 2006, and any other federal
866 standards applicable to the removal of registration requirements
867 for a sexual offender or required to be met as a condition for
868 the receipt of federal funds by the state; and the court is
869 otherwise satisfied that the offender is not a current or
870 potential threat to public safety. The state attorney in the
871 circuit in which the petition is filed and the department must
872 be given notice of the petition at least 3 weeks before the
873 hearing on the matter. The state attorney may present evidence
874 in opposition to the requested relief or may otherwise
875 demonstrate the reasons why the petition should be denied. If
876 the court grants the petition, the court shall instruct the
877 petitioner to provide the department with a certified copy of
878 the order granting relief. If the court denies the petition, the
879 court may set a future date at which the sexual offender may
880 again petition the court for relief, subject to the standards
881 for relief provided in this subsection.

882 5.3. The department shall remove an offender from
883 classification as a sexual offender for purposes of registration
884 if the offender provides to the department a certified copy of
885 the court's written findings or order that indicates that the
886 offender is no longer required to comply with the requirements
887 for registration as a sexual offender.

888 6. For purposes of this paragraph:



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889 a. The registration period of a sexual offender sentenced
890 to a term of incarceration or committed to a residential program
891 begins upon the offender's release from incarceration or
892 commitment for the most recent conviction that required the
893 offender to register.

894 b. A sexual offender's registration period is tolled
895 during any period in which the offender is incarcerated, civilly
896 committed, detained pursuant to chapter 985, or committed to a
897 residential program.

898 (b) A sexual offender as defined in sub-subparagraph
899 (1)(a)1.b. must maintain registration with the department for
900 the duration of his or her life until the person provides the
901 department with an order issued by the court that designated the
902 person as a sexual predator, as a sexually violent predator, or
903 by another sexual offender designation in the state or
904 jurisdiction in which the order was issued which states that
905 such designation has been removed or demonstrates to the
906 department that such designation, if not imposed by a court, has
907 been removed by operation of law or court order in the state or
908 jurisdiction in which the designation was made, and provided
909 such person no longer meets the criteria for registration as a
910 sexual offender under the laws of this state.

911 (14)

912 (b) However, a sexual offender who is required to register
913 as a result of a conviction for:

- 914 1. Section 787.01 or s. 787.02 where the victim is a minor
915 and the offender is not the victim's parent or guardian;
916 2. Section 794.011, excluding s. 794.011(10);



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- 917 3. Section 800.04(4)(b) where the court finds the offense
918 involved a victim under 12 years of age or sexual activity by
919 the use of force or coercion;
- 920 4. Section 800.04(5)(b);
- 921 5. Section 800.04(5)(c)1. where the court finds
922 molestation involving unclothed genitals or genital area;
- 923 6. Section 800.04(5)c.2. where the court finds molestation
924 involving the use of force or coercion and unclothed genitals or
925 genital area;
- 926 7. Section 800.04(5)(d) where the court finds the use of
927 force or coercion and unclothed genitals or genital area;
- 928 8. Any attempt or conspiracy to commit such offense; ~~or~~
- 929 9. A violation of a similar law of another jurisdiction;
930 or
- 931 10. A violation of a similar offense committed in this
932 state which has been redesignated from a former statute number
933 to one of those listed in this paragraph,
- 934
- 935 must reregister each year during the month of the sexual
936 offender's birthday and every third month thereafter.
- 937 (c) The sheriff's office may determine the appropriate
938 times and days for reporting by the sexual offender, which shall
939 be consistent with the reporting requirements of this
940 subsection. Reregistration shall include any changes to the
941 following information:
- 942 1. Name; social security number; age; race; sex; date of
943 birth; height; weight; hair and eye color; address of any
944 permanent residence and address of any current temporary



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945 residence, within the state or out of state, including a rural
946 route address and a post office box; if no permanent or
947 temporary address, any transient residence within the state;
948 address, location or description, and dates of any current or
949 known future temporary residence within the state or out of
950 state; any electronic mail addresses or Internet identifiers
951 address and any instant message name required to be provided
952 pursuant to paragraph (4)(d); home telephone numbers or number
953 and any cellular telephone numbers number; date and place of any
954 employment; the vehicle make, model, color, registration number,
955 and license tag number of any vehicles owned; fingerprints; palm
956 prints; and photograph. A post office box may shall not be
957 provided in lieu of a physical residential address. The sexual
958 offender must produce his or her passport, if he or she has a
959 passport, and, if he or she is an alien, and must also produce
960 or provide information about documents establishing his or her
961 immigration status. The sexual offender must also provide
962 information about any professional licenses that he or she may
963 have.

964 2. If the sexual offender is enrolled, volunteering,
965 employed, or carrying on a vocation at an institution of higher
966 education in this state, the sexual offender shall also provide
967 to the department the name, address, and county of each
968 institution, including each campus attended, and the sexual
969 offender's enrollment, volunteer, or employment status.

970 3. If the sexual offender's place of residence is a motor
971 vehicle, trailer, mobile home, or manufactured home, as defined
972 in chapter 320, the sexual offender shall also provide the



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973 vehicle identification number; the license tag number; the
974 registration number; and a description, including color scheme,
975 of the motor vehicle, trailer, mobile home, or manufactured
976 home. If the sexual offender's place of residence is a vessel,
977 live-aboard vessel, or houseboat, as defined in chapter 327, the
978 sexual offender shall also provide the hull identification
979 number; the manufacturer's serial number; the name of the
980 vessel, live-aboard vessel, or houseboat; the registration
981 number; and a description, including color scheme, of the
982 vessel, live-aboard vessel or houseboat.

983 4. Any sexual offender who fails to report in person as
984 required at the sheriff's office, ~~or~~ who fails to respond to any
985 address verification correspondence from the department within 3
986 weeks of the date of the correspondence, ~~or~~ who fails to report
987 all electronic mail addresses and all Internet identifiers prior
988 to use ~~or instant message names~~, or who knowingly provides false
989 registration information by act or omission commits a felony of
990 the third degree, punishable as provided in s. 775.082, s.
991 775.083, or s. 775.084.

992 Section 6. Section 943.04351, Florida Statutes, is amended
993 to read:

994 943.04351 Search of registration information regarding
995 sexual predators and sexual offenders required before ~~prior to~~
996 appointment or employment.—A state agency or governmental
997 subdivision, before ~~prior to~~ making any decision to appoint or
998 employ a person to work, whether for compensation or as a
999 volunteer, at any park, playground, day care center, or other
1000 place where children regularly congregate, must conduct a search



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1001 of that person's name or other identifying information against
1002 the registration information regarding sexual predators and
1003 sexual offenders through the Dru Sjodin National Sexual Offender
1004 Public Website maintained by the United States Department of
1005 Justice. If for any reason that website is not available, a
1006 search of the registration information regarding sexual
1007 predators and offenders maintained by the Department of Law
1008 Enforcement under s. 943.043 must be performed. The agency or
1009 governmental subdivision may conduct the search using the
1010 Internet site maintained by the Department of Law Enforcement.
1011 This section does not apply to those positions or appointments
1012 within a state agency or governmental subdivision for which a
1013 state and national criminal history background check is
1014 conducted.

1015 Section 7. Section 943.04354, Florida Statutes, is amended
1016 to read:

1017 943.04354 Removal of the requirement to register as a
1018 sexual offender or sexual predator in special circumstances.—

1019 (1) For purposes of this section, a person shall be
1020 considered for removal of the requirement to register as a
1021 sexual offender or sexual predator only if the person:

1022 (a) Was ~~or will be~~ convicted, regardless of adjudication,
1023 or adjudicated delinquent of a violation of s. 794.011, s.
1024 800.04, s. 827.071, or s. 847.0135(5), or a similar offense in
1025 another jurisdiction, ~~or the person committed a violation of s.~~
1026 ~~794.011, s. 800.04, s. 827.071, or s. 847.0135(5) for which~~
1027 ~~adjudication of guilt was or will be withheld,~~ and the person
1028 does not have any other conviction, regardless of adjudication,



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1029 ~~or adjudication of delinquency, or withhold of adjudication of~~
1030 ~~guilt~~ for a violation of s. 794.011, s. 800.04, s. 827.071, or
1031 s. 847.0135(5), or a similar offense in another jurisdiction;

1032 (b)1. Was convicted, regardless of adjudication, or
1033 adjudicated delinquent of an offense listed in paragraph (a) and
1034 is required to register as a sexual offender or sexual predator
1035 solely on the basis of this conviction or adjudication
1036 violation; or and

1037 2. Was convicted, regardless of adjudication, or
1038 adjudicated delinquent of an offense in another jurisdiction
1039 that is similar to an offense listed in paragraph (a) and no
1040 longer meets the criteria for registration as a sexual offender
1041 or sexual predator under the laws of the jurisdiction where the
1042 similar offense occurred; and

1043 (c) Is not more than 4 years older than the victim of this
1044 violation who was 13 ~~14~~ years of age or older but less ~~not more~~
1045 than 18 ~~17~~ years of age at the time the person committed this
1046 violation.

1047 (2) If a person meets the criteria in subsection (1) ~~and~~
1048 ~~the violation of s. 794.011, s. 800.04, s. 827.071, or s.~~
1049 ~~847.0135(5) was committed on or after July 1, 2007, the person~~
1050 may move the criminal court of the circuit in which the offense
1051 occurred or the sentencing court or, for persons convicted or
1052 adjudicated delinquent of a qualifying offense in another
1053 jurisdiction, the criminal circuit court of the circuit in which
1054 the person resides ~~court that will sentence or dispose of this~~
1055 ~~violation~~ to remove the requirement that the person register as
1056 a sexual offender or sexual predator. The person must allege in



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1057 the motion that he or she meets the criteria in subsection (1)
1058 and that removal of the registration requirement will not
1059 conflict with federal law. Persons convicted or adjudicated
1060 delinquent of an offense in another jurisdiction that is similar
1061 to an offense listed in paragraph (1)(a) must provide the court
1062 written confirmation that he or she is not required to register
1063 in the state where the conviction or adjudication occurred. The
1064 state attorney and the department must be given notice of the
1065 motion at least 21 days before the date of sentencing, ~~or~~
1066 disposition of the this violation, or hearing on the motion and
1067 may present evidence in opposition to the requested relief or
1068 may otherwise demonstrate why the motion should be denied. At
1069 sentencing, ~~or~~ disposition of the this violation, or hearing on
1070 the motion, the court shall rule on this motion and, if the
1071 court determines the person meets the criteria in subsection (1)
1072 and the removal of the registration requirement will not
1073 conflict with federal law, it may grant the motion and order the
1074 removal of the registration requirement. The court shall
1075 instruct the person to provide the department a certified copy
1076 of the order granting relief. If the court denies the motion,
1077 the person is not authorized under this section to file another
1078 motion ~~petition~~ for removal of the registration requirement.

1079 ~~(3)(a) This subsection applies to a person who:~~

1080 ~~1. Is not a person described in subsection (2) because the~~
1081 ~~violation of s. 794.011, s. 800.04, or s. 827.071 was not~~
1082 ~~committed on or after July 1, 2007;~~

1083 ~~2. Is subject to registration as a sexual offender or~~
1084 ~~sexual predator for a violation of s. 794.011, s. 800.04, or s.~~



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1085 ~~827.071; and~~1086 ~~3. Meets the criteria in subsection (1).~~

1087 ~~(b) A person may petition the court in which the sentence~~
1088 ~~or disposition for the violation of s. 794.011, s. 800.04, or s.~~
1089 ~~827.071 occurred for removal of the requirement to register as a~~
1090 ~~sexual offender or sexual predator. The person must allege in~~
1091 ~~the petition that he or she meets the criteria in subsection (1)~~
1092 ~~and removal of the registration requirement will not conflict~~
1093 ~~with federal law. The state attorney must be given notice of the~~
1094 ~~petition at least 21 days before the hearing on the petition and~~
1095 ~~may present evidence in opposition to the requested relief or~~
1096 ~~may otherwise demonstrate why the petition should be denied. The~~
1097 ~~court shall rule on the petition and, if the court determines~~
1098 ~~the person meets the criteria in subsection (1) and removal of~~
1099 ~~the registration requirement will not conflict with federal law,~~
1100 ~~it may grant the petition and order the removal of the~~
1101 ~~registration requirement. If the court denies the petition, the~~
1102 ~~person is not authorized under this section to file any further~~
1103 ~~petition for removal of the registration requirement.~~

1104 ~~(3)(4)~~ If a person provides to the Department of Law
1105 Enforcement a certified copy of the court's order removing the
1106 requirement that the person register as a sexual offender or
1107 sexual predator for the violation of s. 794.011, s. 800.04, s.
1108 827.071, or s. 847.0135(5), or a similar offense in another
1109 jurisdiction, the registration requirement will not apply to the
1110 person and the department shall remove all information about the
1111 person from the public registry of sexual offenders and sexual
1112 predators maintained by the department. However, the removal of



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1113 this information from the public registry does not mean that the
1114 public is denied access to information about the person's
1115 criminal history or record that is otherwise available as a
1116 public record.

1117 Section 8. Subsection (2) and paragraph (a) of subsection
1118 (3) of section 943.0437, Florida Statutes, are amended to read:

1119 943.0437 Commercial social networking websites.—

1120 (2) The department may provide information relating to
1121 electronic mail addresses and Internet identifiers ~~instant~~
1122 ~~message names~~ maintained as part of the sexual offender registry
1123 to commercial social networking websites or third parties
1124 designated by commercial social networking websites. The
1125 commercial social networking website may use this information
1126 for the purpose of comparing registered users and screening
1127 potential users of the commercial social networking website
1128 against the list of electronic mail addresses and Internet
1129 identifiers ~~instant message names~~ provided by the department.

1130 (3) This section shall not be construed to impose any
1131 civil liability on a commercial social networking website for:

1132 (a) Any action voluntarily taken in good faith to remove
1133 or disable any profile of a registered user associated with an
1134 electronic mail address or Internet identifier ~~instant message~~
1135 ~~name~~ contained in the sexual offender registry.

1136 Section 9. Paragraphs (b) and (d) of subsection (1) and
1137 paragraph (a) of subsection (3) of section 944.606, Florida
1138 Statutes, are amended to read:

1139 944.606 Sexual offenders; notification upon release.—

1140 (1) As used in this section:



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1141 (b) "Sexual offender" means a person who has been
1142 convicted of committing, or attempting, soliciting, or
1143 conspiring to commit, any of the criminal offenses proscribed in
1144 the following statutes in this state or similar offenses in
1145 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1146 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1147 the defendant is not the victim's parent or guardian; s.
1148 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
1149 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1150 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1151 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1152 916.1075(2); or s. 985.701(1); or any similar offense committed
1153 in this state which has been redesignated from a former statute
1154 number to one of those listed in this subsection, when the
1155 department has received verified information regarding such
1156 conviction; an offender's computerized criminal history record
1157 is not, in and of itself, verified information.

1158 (d) "Internet identifier ~~Instant message name~~" has the
1159 same meaning as provided in s. 775.21 ~~means an identifier that~~
1160 ~~allows a person to communicate in real time with another person~~
1161 ~~using the Internet.~~

1162 (3)(a) The department must provide information regarding
1163 any sexual offender who is being released after serving a period
1164 of incarceration for any offense, as follows:

1165 1. The department must provide: the sexual offender's
1166 name, any change in the offender's name by reason of marriage or
1167 other legal process, and any alias, if known; the correctional
1168 facility from which the sexual offender is released; the sexual



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1169 offender's social security number, race, sex, date of birth,
1170 height, weight, and hair and eye color; address of any planned
1171 permanent residence or temporary residence, within the state or
1172 out of state, including a rural route address and a post office
1173 box; if no permanent or temporary address, any transient
1174 residence within the state; address, location or description,
1175 and dates of any known future temporary residence within the
1176 state or out of state; date and county of sentence and each
1177 crime for which the offender was sentenced; a copy of the
1178 offender's fingerprints, palm prints, and a digitized photograph
1179 taken within 60 days before release; the date of release of the
1180 sexual offender; all any electronic mail addresses address and
1181 all Internet identifiers any instant message name required to be
1182 provided pursuant to s. 943.0435(4)(d); all and home telephone
1183 numbers number and any cellular telephone numbers; information
1184 about any professional licenses the offender may have, if known;
1185 and passport information, if he or she has a passport, and, if
1186 he or she is an alien, information about documents establishing
1187 his or her immigration status number. The department shall
1188 notify the Department of Law Enforcement if the sexual offender
1189 escapes, absconds, or dies. If the sexual offender is in the
1190 custody of a private correctional facility, the facility shall
1191 take the digitized photograph of the sexual offender within 60
1192 days before the sexual offender's release and provide this
1193 photograph to the Department of Corrections and also place it in
1194 the sexual offender's file. If the sexual offender is in the
1195 custody of a local jail, the custodian of the local jail shall
1196 register the offender within 3 business days after intake of the



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1197 offender for any reason and upon release, and shall notify the
1198 Department of Law Enforcement of the sexual offender's release
1199 and provide to the Department of Law Enforcement the information
1200 specified in this paragraph and any information specified in
1201 subparagraph 2. that the Department of Law Enforcement requests.

1202 2. The department may provide any other information deemed
1203 necessary, including criminal and corrections records,
1204 nonprivileged personnel and treatment records, when available.

1205 Section 10. Paragraphs (a) and (f) of subsection (1),
1206 subsections (3) and (4), and paragraphs (b) and (c) of
1207 subsection (13) of section 944.607, Florida Statutes, are
1208 amended to read:

1209 944.607 Notification to Department of Law Enforcement of
1210 information on sexual offenders.—

1211 (1) As used in this section, the term:

1212 (a) "Sexual offender" means a person who is in the custody
1213 or control of, or under the supervision of, the department or is
1214 in the custody of a private correctional facility:

1215 1. On or after October 1, 1997, as a result of a
1216 conviction for committing, or attempting, soliciting, or
1217 conspiring to commit, any of the criminal offenses proscribed in
1218 the following statutes in this state or similar offenses in
1219 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
1220 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1221 the defendant is not the victim's parent or guardian; s.
1222 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
1223 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
1224 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,



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1225 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1226 s. 916.1075(2); or s. 985.701(1); or any similar offense
1227 committed in this state which has been redesignated from a
1228 former statute number to one of those listed in this paragraph;
1229 or

1230 2. Who establishes or maintains a residence in this state
1231 and who has not been designated as a sexual predator by a court
1232 of this state but who has been designated as a sexual predator,
1233 as a sexually violent predator, or by another sexual offender
1234 designation in another state or jurisdiction and was, as a
1235 result of such designation, subjected to registration or
1236 community or public notification, or both, or would be if the
1237 person were a resident of that state or jurisdiction, without
1238 regard as to whether the person otherwise meets the criteria for
1239 registration as a sexual offender.

1240 (f) "Internet identifier ~~Instant message name~~" has the
1241 same meaning as provided in s. 775.21 ~~means an identifier that~~
1242 ~~allows a person to communicate in real time with another person~~
1243 ~~using the Internet.~~

1244 (3) If a sexual offender is not sentenced to a term of
1245 imprisonment, the clerk of the court shall ensure that the
1246 sexual offender's fingerprints are taken and forwarded to the
1247 Department of Law Enforcement within 48 hours after the court
1248 sentences the offender. The fingerprints ~~card~~ shall be clearly
1249 marked "Sexual Offender Registration ~~Card~~."

1250 (4) A sexual offender, as described in this section, who
1251 is under the supervision of the Department of Corrections but is
1252 not incarcerated must register with the Department of



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1253 Corrections within 3 business days after sentencing for a
1254 registrable offense and otherwise provide information as
1255 required by this subsection.

1256 (a) The sexual offender shall provide his or her name;
1257 date of birth; social security number; race; sex; height;
1258 weight; hair and eye color; tattoos or other identifying marks;
1259 all any electronic mail addresses address and all Internet
1260 identifiers any instant message name required to be provided
1261 pursuant to s. 943.0435(4)(d); all home telephone numbers and
1262 cellular telephone numbers; the make, model, color, registration
1263 number, and license tag number of all vehicles owned; permanent
1264 or legal residence and address of temporary residence within the
1265 state or out of state while the sexual offender is under
1266 supervision in this state, including any rural route address or
1267 post office box; if no permanent or temporary address, any
1268 transient residence within the state; and address, location or
1269 description, and dates of any current or known future temporary
1270 residence within the state or out of state. The sexual offender
1271 must also produce his or her passport, if he or she has a
1272 passport, and, if he or she is an alien, must produce or provide
1273 information about documents establishing his or her immigration
1274 status. The sexual offender must also provide information about
1275 any professional licenses that he or she may have. The
1276 Department of Corrections shall verify the address of each
1277 sexual offender in the manner described in ss. 775.21 and
1278 943.0435. The department shall report to the Department of Law
1279 Enforcement any failure by a sexual predator or sexual offender
1280 to comply with registration requirements.



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1281 (b) If the sexual offender is enrolled, employed,
1282 volunteering, or carrying on a vocation at an institution of
1283 higher education in this state, the sexual offender shall
1284 provide the name, address, and county of each institution,
1285 including each campus attended, and the sexual offender's
1286 enrollment, volunteer, or employment status. Each change in
1287 enrollment, volunteer, or employment status shall be reported to
1288 the department within 48 hours after the change in status. The
1289 Department of Corrections shall promptly notify each institution
1290 of the sexual offender's presence and any change in the sexual
1291 offender's enrollment, volunteer, or employment status.

1292 (13)

1293 (b) However, a sexual offender who is required to register
1294 as a result of a conviction for:

1295 1. Section 787.01 or s. 787.02 where the victim is a minor
1296 and the offender is not the victim's parent or guardian;

1297 2. Section 794.011, excluding s. 794.011(10);

1298 3. Section 800.04(4)(b) where the victim is under 12 years
1299 of age or where the court finds sexual activity by the use of
1300 force or coercion;

1301 4. Section 800.04(5)(b);

1302 5. Section 800.04(5)(c)1. where the court finds
1303 molestation involving unclothed genitals or genital area;

1304 6. Section 800.04(5)c.2. where the court finds molestation
1305 involving the use of force or coercion and unclothed genitals or
1306 genital area;

1307 7. Section 800.04(5)(d) where the court finds the use of
1308 force or coercion and unclothed genitals or genital area;



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- 1309 8. Any attempt or conspiracy to commit such offense; ~~or~~
1310 9. A violation of a similar law of another jurisdiction;
1311 or
1312 10. A violation of a similar offense committed in this
1313 state which has been redesignated from a former statute number
1314 to one of those listed in this paragraph,

1315
1316 must reregister each year during the month of the sexual
1317 offender's birthday and every third month thereafter.

1318 (c) The sheriff's office may determine the appropriate
1319 times and days for reporting by the sexual offender, which shall
1320 be consistent with the reporting requirements of this
1321 subsection. Reregistration shall include any changes to the
1322 following information:

- 1323 1. Name; social security number; age; race; sex; date of
1324 birth; height; weight; hair and eye color; address of any
1325 permanent residence and address of any current temporary
1326 residence, within the state or out of state, including a rural
1327 route address and a post office box; if no permanent or
1328 temporary address, any transient residence; address, location or
1329 description, and dates of any current or known future temporary
1330 residence within the state or out of state; ~~any~~ electronic mail
1331 addresses or Internet identifiers ~~address and any instant~~
1332 ~~message name~~ required to be provided pursuant to s.
1333 943.0435(4)(d); home telephone numbers or cellular telephone
1334 numbers; date and place of any employment; the ~~vehiele~~ make,
1335 model, color, registration number, and license tag number of any
1336 vehicles owned; fingerprints; palm prints; and photograph. A



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1337 post office box shall not be provided in lieu of a physical
1338 residential address. The sexual offender must also produce his
1339 or her passport, if he or she has a passport, and, if he or she
1340 is an alien, must produce or provide information about documents
1341 establishing his or her immigration status. The sexual offender
1342 must also provide information about any professional licenses
1343 that he or she may have.

1344 2. If the sexual offender is enrolled, employed,
1345 volunteering, or carrying on a vocation at an institution of
1346 higher education in this state, the sexual offender shall also
1347 provide to the department the name, address, and county of each
1348 institution, including each campus attended, and the sexual
1349 offender's enrollment, volunteer, or employment status.

1350 3. If the sexual offender's place of residence is a motor
1351 vehicle, trailer, mobile home, or manufactured home, as defined
1352 in chapter 320, the sexual offender shall also provide the
1353 vehicle identification number; the license tag number; the
1354 registration number; and a description, including color scheme,
1355 of the motor vehicle, trailer, mobile home, or manufactured
1356 home. If the sexual offender's place of residence is a vessel,
1357 live-aboard vessel, or houseboat, as defined in chapter 327, the
1358 sexual offender shall also provide the hull identification
1359 number; the manufacturer's serial number; the name of the
1360 vessel, live-aboard vessel, or houseboat; the registration
1361 number; and a description, including color scheme, of the
1362 vessel, live-aboard vessel or houseboat.

1363 4. Any sexual offender who fails to report in person as
1364 required at the sheriff's office, ~~or~~ who fails to respond to any



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1365 address verification correspondence from the department within 3
1366 weeks of the date of the correspondence, ~~or~~ who fails to report
1367 all electronic mail addresses or Internet identifiers before use
1368 ~~or instant message names, or who knowingly provides false~~
1369 registration information by act or omission commits a felony of
1370 the third degree, punishable as provided in s. 775.082, s.
1371 775.083, or s. 775.084.

1372 Section 11. Subsection (11) of section 947.005, Florida
1373 Statutes, is amended to read:

1374 947.005 Definitions.—As used in this chapter, unless the
1375 context clearly indicates otherwise:

1376 (11) "Risk assessment" means an assessment completed by a
1377 ~~an independent~~ qualified practitioner to evaluate the level of
1378 risk associated when a sex offender has contact with a child.

1379 Section 12. Section 948.31, Florida Statutes, is amended
1380 to read:

1381 948.31 Evaluation and treatment of sexual predators and
1382 offenders on probation or community control.—The court may ~~shall~~
1383 ~~require an evaluation by a qualified practitioner to determine~~
1384 ~~the need of a probationer or community controllee for treatment.~~
1385 ~~If the court determines that a need therefor is established by~~
1386 ~~the evaluation process, the court shall require sexual offender~~
1387 ~~treatment as a term or condition of probation or community~~
1388 ~~control for any probationer or community controllee person who~~
1389 is required to register as a sexual predator under s. 775.21 or
1390 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to
1391 undergo an evaluation, at the probationer or community
1392 controllee's expense, by a qualified practitioner to determine



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1393 whether such person needs sexual offender treatment. If the
1394 qualified practitioner determines that sexual offender treatment
1395 is needed and recommends treatment, the probationer or community
1396 controllee must successfully complete and pay for the treatment.

1397 Such treatment must ~~shall be required to~~ be obtained from a
1398 qualified practitioner as defined in s. 948.001. Treatment may
1399 not be administered by a qualified practitioner who has been
1400 convicted or adjudicated delinquent of committing, or
1401 attempting, soliciting, or conspiring to commit, any offense
1402 that is listed in s. 943.0435(1)(a)1.a.(I). ~~The court shall~~
1403 ~~impose a restriction against contact with minors if sexual~~
1404 ~~offender treatment is recommended. The evaluation and~~
1405 ~~recommendations for treatment of the probationer or community~~
1406 ~~controllee shall be provided to the court for review.~~

1407 Section 13. Paragraph (a) of subsection (3) of section
1408 985.481, Florida Statutes, is amended to read:

1409 985.481 Sexual offenders adjudicated delinquent;
1410 notification upon release.-

1411 (3)(a) The department must provide information regarding
1412 any sexual offender who is being released after serving a period
1413 of residential commitment under the department for any offense,
1414 as follows:

1415 1. The department must provide the sexual offender's name,
1416 any change in the offender's name by reason of marriage or other
1417 legal process, and any alias, if known; the correctional
1418 facility from which the sexual offender is released; the sexual
1419 offender's social security number, race, sex, date of birth,
1420 height, weight, and hair and eye color; the make, model, color,



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1421 | registration number, and license tag number of all vehicles
1422 | owned, if known; address of any planned permanent residence or
1423 | temporary residence, within the state or out of state, including
1424 | a rural route address and a post office box; if no permanent or
1425 | temporary address, any transient residence within the state;
1426 | address, location or description, and dates of any known future
1427 | temporary residence within the state or out of state; date and
1428 | county of disposition and each crime for which there was a
1429 | disposition; a copy of the offender's fingerprints and a
1430 | digitized photograph taken within 60 days before release; the
1431 | date of release of the sexual offender; all ~~and~~ home telephone
1432 | numbers ~~number~~ and any cellular telephone numbers; information
1433 | about any professional licenses the offender may have, if known;
1434 | and passport information, if he or she has a passport, and, if
1435 | he or she is an alien, information about documents establishing
1436 | his or her immigration status ~~number~~. The department shall
1437 | notify the Department of Law Enforcement if the sexual offender
1438 | escapes, absconds, or dies. If the sexual offender is in the
1439 | custody of a private correctional facility, the facility shall
1440 | take the digitized photograph of the sexual offender within 60
1441 | days before the sexual offender's release and also place it in
1442 | the sexual offender's file. If the sexual offender is in the
1443 | custody of a local jail, the custodian of the local jail shall
1444 | register the offender within 3 business days after intake of the
1445 | offender for any reason and upon release, and shall notify the
1446 | Department of Law Enforcement of the sexual offender's release
1447 | and provide to the Department of Law Enforcement the information
1448 | specified in this subparagraph and any information specified in



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1449 subparagraph 2. which the Department of Law Enforcement
1450 requests.

1451 2. The department may provide any other information
1452 considered necessary, including criminal and delinquency
1453 records, when available.

1454 Section 14. Subsections (3) and (4), and paragraph (b) of
1455 subsection (13) of section 985.4815, Florida Statutes, are
1456 amended to read:

1457 985.4815 Notification to Department of Law Enforcement of
1458 information on juvenile sexual offenders.—

1459 (3) If a sexual offender is not sentenced to a term of
1460 residential commitment, the clerk of the court shall ensure that
1461 the sexual offender's fingerprints are taken and forwarded to
1462 the Department of Law Enforcement within 48 hours after the
1463 court sentences the offender. The fingerprints ~~card~~ shall be
1464 clearly marked "Sexual Offender Registration Card."

1465

1466

1467

1468

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

1469

1470 Remove line 5 and insert:

1471 developmental age of 14 or less rather than 11 or less

1472



Amendment No. 1a

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
4.9.13*

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Gaetz offered the following:
 3
 4 **Amendment to Amendment (165973) by Representative (with**
 5 **title amendment)**
 6 Remove line 6 of the amendment and insert:
 7 developmental age of 16 ~~11~~ or less describing any act of child
 8
 9
 10

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

11
 12
 13 Remove line 1471 of the amendment and insert:
 14 developmental age of 16 or less rather than 11 or less
 15

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

HB 7119 : Homeowners' Associations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			X		
Marti Coley	X				
Dwight Dudley	X				
Heather Fitzenhagen	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			

HB 7119 Amendments

Amendment 110771

Adopted Without Objection

Appearances:

Buck, Douglas (Lobbyist) - Opponent
Florida Home Builders Association
201 E Park Ave
Tallahassee FL 32301
Phone: (850)224-4316

Ferguson, Diana (Lobbyist) (General Public) - Proponent
Community Advocacy Network
5297 W Copans Rd
Margate FL undefined
Phone: 850)681-6788

Goin, Yeline (Lobbyist) - Information Only
Community Associates Leadership Lobby
204 S Monroe Street, Suite 203
Tallahassee FL 32301
Phone: 850-284-2460

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/9/2013 2:30:00PM

Location: 404 HOB

HB 7119 : Homeowners' Associations (continued)

Appearances: (continued)

Pinsky, Richard (Lobbyist) - Proponent

CyberCitizens for Justice

1156 Tall Oaks Rd

Deland FL 32720

Phone: (561)202-0990

Committee meeting was reported out: Tuesday, April 09, 2013 6:49:26PM



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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		

*Favorable
4-9-13*

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

3
 4
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 17
 18

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 468.436, Florida Statutes, is amended to read:

468.436 Disciplinary proceedings.—

(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:

(b)1. Violation of any provision of this part.

2. Violation of any lawful order or rule rendered or adopted by the department or the council.

3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.

4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.



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19 5. Committing acts of gross misconduct or gross negligence
20 in connection with the profession.

21 6. Contracting, on behalf of an association, with any
22 entity in which the licensee has a financial interest that is
23 not disclosed.

24 7. Failing to report to the division as required in s.
25 720.303(13).

26 8. Violating any provision of chapters 718, 719, or 720
27 during the course of performing community association management
28 services pursuant to a contract with a community association.

29 Section 2. Paragraph (m) is added to subsection (4),
30 Subsection (5) and paragraph (d) of subsection (6) of section
31 720.303, Florida Statutes, are amended, and subsection (13) is
32 added to that section, to read:

33 720.303 Association powers and duties; meetings of board;
34 official records; budgets; financial reporting; association
35 funds; recalls.—

36 (4) OFFICIAL RECORDS.—The association shall maintain each
37 of the following items, when applicable, which constitute the
38 official records of the association:

39 (m) A copy of the association internal dispute resolution
40 procedure.

41 (5) INSPECTION AND COPYING OF RECORDS.—The official
42 records shall be maintained within the state for at least 7
43 years and shall be made available to a parcel owner for
44 inspection or photocopying within 45 miles of the community or
45 within the county in which the association is located within 10
46 business days after receipt by the board or its designee of a



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47 | ~~written request must be open to inspection and available for~~
48 | ~~photocopying by members or their authorized agents at reasonable~~
49 | ~~times and places within 10 business days after receipt of a~~
50 | ~~written request for access. This subsection may be complied with~~
51 | ~~by having a copy of the official records available for~~
52 | ~~inspection or copying in the community or, at the option of the~~
53 | ~~association, by making the records available to a parcel owner~~
54 | ~~electronically via the Internet or by allowing the records to be~~
55 | ~~viewed in electronic format on a computer screen and printed~~
56 | ~~upon request. If the association has a photocopy machine~~
57 | ~~available where the records are maintained, it must provide~~
58 | ~~parcel owners with copies on request during the inspection if~~
59 | ~~the entire request is limited to no more than 25 pages. An~~
60 | ~~association shall allow a member or his or her authorized~~
61 | ~~representative to use a portable device, including a smartphone,~~
62 | ~~tablet, portable scanner, or any other technology capable of~~
63 | ~~scanning or taking photographs, to make an electronic copy of~~
64 | ~~the official records in lieu of providing the member or his or~~
65 | ~~her authorized representative with a copy of such records. The~~
66 | ~~association may not charge a fee to a member or his or her~~
67 | ~~authorized representative for such use of a portable device.~~

68 | (a) The failure of an association to provide access to the
69 | records within 10 business days after receipt of a written
70 | request submitted by certified mail, return receipt requested,
71 | creates a rebuttable presumption that the association willfully
72 | failed to comply with this subsection.

73 | (b) A member who is denied access to official records is
74 | entitled to the actual damages or minimum damages for the



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75 association's willful failure to comply with this subsection.
76 The minimum damages are to be \$50 per calendar day up to 10
77 days, the calculation to begin on the 11th business day after
78 receipt of the written request.

79 (c) The association may adopt reasonable written rules
80 governing the frequency, time, location, notice, records to be
81 inspected, and manner of inspections, but may not require a
82 parcel owner to demonstrate any proper purpose for the
83 inspection, state any reason for the inspection, or limit a
84 parcel owner's right to inspect records to less than one 8-hour
85 business day per month. The association may impose fees to cover
86 the costs of providing copies of the official records,
87 ~~including, without limitation, the costs of copying, and the~~
88 costs required for personnel to retrieve and copy the records if
89 retrieving the records exceeds one-half hour and if the
90 personnel costs do not exceed \$20 per hour. No personnel costs
91 may be charged for records requests that result in 25 or fewer
92 pages. The association may charge up to 25 ~~50~~ cents per page for
93 copies made on the association's photocopier. If the
94 association does not have a photocopy machine available where
95 the records are kept, or if the records requested to be copied
96 exceed 25 pages in length, the association may have copies made
97 by an outside duplicating service ~~vendor or association~~
98 ~~management company personnel~~ and may charge the actual cost of
99 copying, as supported by the vendor invoice ~~including any~~
100 ~~reasonable costs involving personnel fees and charges at an~~
101 ~~hourly rate for vendor or employee time to cover administrative~~
102 ~~costs to the vendor or association.~~ The association shall



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103 maintain an adequate number of copies of the recorded governing
104 documents, to ensure their availability to members and
105 prospective members. Notwithstanding this paragraph, the
106 following records are not accessible to members or parcel
107 owners:

108 1. Any record protected by the lawyer-client privilege as
109 described in s. 90.502 and any record protected by the work-
110 product privilege, including, but not limited to, a record
111 prepared by an association attorney or prepared at the
112 attorney's express direction which reflects a mental impression,
113 conclusion, litigation strategy, or legal theory of the attorney
114 or the association and which was prepared exclusively for civil
115 or criminal litigation or for adversarial administrative
116 proceedings or which was prepared in anticipation of such
117 litigation or proceedings until the conclusion of the litigation
118 or proceedings.

119 2. Information obtained by an association in connection
120 with the approval of the lease, sale, or other transfer of a
121 parcel.

122 3. Personnel records of the association's employees,
123 including, but not limited to, disciplinary, payroll, health,
124 and insurance records. For purposes of this subparagraph, the
125 term "personnel records" does not include written employment
126 agreements with an association employee or budgetary or
127 financial records that indicate the compensation paid to an
128 association employee.

129 4. Medical records of parcel owners or community
130 residents.



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131 5. Social security numbers, driver's license numbers,
132 credit card numbers, electronic mailing addresses, telephone
133 numbers, facsimile numbers, emergency contact information, any
134 addresses for a parcel owner other than as provided for
135 association notice requirements, and other personal identifying
136 information of any person, excluding the person's name, parcel
137 designation, mailing address, and property address. However, an
138 owner may consent in writing to the disclosure of protected
139 information described in this subparagraph. The association is
140 not liable for the disclosure of information that is protected
141 under this subparagraph if the information is included in an
142 official record of the association and is voluntarily provided
143 by an owner and not requested by the association.

144 6. Any electronic security measure that is used by the
145 association to safeguard data, including passwords.

146 7. The software and operating system used by the
147 association which allows the manipulation of data, even if the
148 owner owns a copy of the same software used by the association.
149 The data is part of the official records of the association.

150 (d) The association or its authorized agent is not
151 required to provide a prospective purchaser or lienholder with
152 information about the residential subdivision or the association
153 other than information or documents required by this chapter to
154 be made available or disclosed. The association or its
155 authorized agent may charge a reasonable fee to the prospective
156 purchaser or lienholder or the current parcel owner or member
157 for providing good faith responses to requests for information
158 by or on behalf of a prospective purchaser or lienholder, other



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159 than that required by law, if the fee does not exceed \$150 plus
160 the reasonable cost of photocopying and any attorney's fees
161 incurred by the association in connection with the response.

162 (6) BUDGETS.—

163 (d) An association is deemed to have provided for reserve
164 accounts if reserve accounts have been initially established by
165 the developer or if the membership of the association
166 affirmatively elects to provide for reserves. If reserve
167 accounts are established by the developer, the budget must
168 designate the components for which the reserve accounts are
169 established. If reserve accounts are not initially provided by
170 the developer, the membership of the association may elect to do
171 so upon the affirmative approval of a majority of the total
172 voting interests of the association. Such approval may be
173 obtained by vote of the members at a duly called meeting of the
174 membership or by the written consent of a majority of the total
175 voting interests of the association. The approval action of the
176 membership must state that reserve accounts shall be provided
177 for in the budget and must designate the components for which
178 the reserve accounts are to be established. Upon approval by the
179 membership, the board of directors shall include the required
180 reserve accounts in the budget in the next fiscal year following
181 the approval and each year thereafter. Once established as
182 provided in this subsection, the reserve accounts must be funded
183 or maintained or have their funding waived in the manner
184 provided in paragraph (f).

185 (13) REPORTING REQUIREMENT.—The community association
186 manager, or the association when there is no community



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187 association manager, shall report to the division by November
188 22, 2013, and annually thereafter, in a manner and form
189 prescribed by the division.

190 (a) The report shall include the association's:

191 1. Legal name.

192 2. Federal employer identification number.

193 3. Mailing and physical addresses.

194 4. Total number of parcels.

195 5. Total amount of revenues and expenses from the
196 association's annual budget.

197 (b) For associations in which control of the association
198 has not been transitioned to nondeveloper members, as set forth
199 in s. 720.307, the report shall also include the developer's:

200 1. Legal name.

201 2. Mailing address.

202 3. Total number of parcels owned on the date of reporting.

203 (c) By October 1, 2013, the department shall establish and
204 implement a registration system through an Internet website that
205 provides for the reporting requirements of paragraphs (a) and
206 (b).

207 (d) The department shall prepare an annual report of the
208 data reported pursuant to this subsection and present it to the
209 Governor, the President of the Senate, and the Speaker of the
210 House of Representatives by December 1, 2013, and each year
211 thereafter.

212 (e) The department may adopt rules pursuant to ss.
213 120.536(1) and 120.54 to implement the provisions of this
214 subsection.



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215 (f) This subsection shall stand repealed on July 1, 2016,
216 unless reenacted by the Legislature.

217 Section 3. Section 720.3033, Florida Statutes, is created
218 to read:

219 720.3033 Officers and directors.-

220 (1)(a) Within 90 days after being elected or appointed to
221 the board, each director shall certify in writing to the
222 secretary of the association that he or she has read the
223 association's declaration of covenants, articles of
224 incorporation, bylaws, and current written rules and policies;
225 that he or she will work to uphold such documents and policies
226 to the best of his or her ability; and that he or she will
227 faithfully discharge his or her fiduciary responsibility to the
228 association's members. Within 90 days after being elected or
229 appointed to the board, in lieu of this written certification,
230 the newly elected or appointed director may submit a certificate
231 of having satisfactorily completed the educational curriculum
232 administered by a division-approved education provider within 1
233 year before or 90 days after the date of election or
234 appointment.

235 (b) The written certification or educational certificate
236 is valid for the uninterrupted tenure of the director on the
237 board. A director who does not timely file the written
238 certification or educational certificate shall be suspended from
239 the board until he or she complies with the requirement. The
240 board may temporarily fill the vacancy during the period of
241 suspension.



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242 (c) The association shall retain each director's written
243 certification or educational certificate for inspection by the
244 members for 5 years after the director's election. However, the
245 failure to have the written certification on file does not
246 affect the validity of any board action.

247 (2) If the association enters into a contract or other
248 transaction with any of its directors or a corporation, firm,
249 association, or other entity in which an association director is
250 also a director or officer or is financially interested, the
251 board must:

252 (a) Comply with the requirements of s. 617.0832.

253 (b) Enter the disclosures required by s. 617.0832 into the
254 written minutes of the meeting.

255 (c) Approve the contract or other transaction by an
256 affirmative vote of two-thirds of the directors present.

257 (d) At the next regular or special meeting of the members,
258 disclose the existence of the contract or other transaction to
259 the members. Upon motion of any member, the contract or
260 transaction shall be brought up for a vote and may be canceled
261 by a majority vote of the members present. If the members cancel
262 the contract, the association is only liable for the reasonable
263 value of goods and services provided up to the time of
264 cancellation and is not liable for any termination fee,
265 liquidated damages, or other penalty for such cancellation.

266 (3) An officer, director, or manager may not solicit,
267 offer to accept, or accept any good or service of value for
268 which consideration has not been provided for his or her benefit
269 or for the benefit of a member of his or her immediate family



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270 from any person providing or proposing to provide goods or
271 services to the association. If the board finds that an officer
272 or director has violated this subsection, the board shall
273 immediately remove the officer or director from office. The
274 vacancy shall be filled according to law until the end of the
275 period of the end of the director's term of office. However, an
276 officer, director, or manager may accept food to be consumed at
277 a business meeting with a value of less than \$25 per individual
278 or a service or good received in connection with trade fairs or
279 education programs.

280 (4) A director or officer charged by information or
281 indictment with a felony theft or embezzlement offense involving
282 the association's funds or property is removed from office. The
283 board shall immediately remove such director or officer from
284 office and shall fill the vacancy according to general law until
285 the end of the period of the suspension or the end of the
286 director's term of office, whichever occurs first. However, if
287 the charges are resolved without a finding of guilt or without
288 acceptance of a plea of guilty or nolo contendere, the director
289 or officer shall be reinstated for any remainder of his or her
290 term of office. A member who has such criminal charges pending
291 may not be appointed or elected to a position as a director or
292 officer.

293 (5) An association with total annual revenues of more than
294 \$100,000 shall maintain insurance or a fidelity bond for all
295 persons who control or disburse funds of the association. The
296 insurance policy or fidelity bond must cover the maximum funds
297 that will be in the custody of the association or its management



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298 agent at any one time. As used in this subsection, the term
299 "persons who control or disburse funds of the association"
300 includes, but is not limited to, persons authorized to sign
301 checks on behalf of the association, and the president,
302 secretary, and treasurer of the association. The association
303 shall bear the cost of any insurance or bond.

304 Section 4. Paragraph (a) of subsection (9) of section
305 720.306, Florida Statutes, is amended to read:

306 720.306 Meetings of members; voting and election
307 procedures; amendments.—

308 (9) (a) ELECTIONS AND BOARD VACANCIES.—Elections of
309 directors must be conducted in accordance with the procedures
310 set forth in the governing documents of the association. All
311 members of the association are eligible to serve on the board of
312 directors, and a member may nominate himself or herself as a
313 candidate for the board at a meeting where the election is to be
314 held, provided however that, ~~or,~~ if the election process allows
315 candidates to nominate themselves in advance of the balloting,
316 the association does not have to allow nominations at the
317 meeting voting by absentee ballot, in advance of the balloting.
318 An election is not required unless more candidates are nominated
319 than vacancies exist. Except as otherwise provided in the
320 governing documents, boards of directors must be elected by a
321 plurality of the votes cast by eligible voters.

322 Section 5. Subsection (1) of section 720.307, Florida
323 Statutes, is amended, present subsections (2) through (4) are
324 renumbered as subsections (4) through (6), respectively, and new
325 subsections (2) and (3) are added to that section, to read:



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326 720.307 Transition of association control in a community.-

327 With respect to homeowners' associations:

328 (1) Members other than the developer are entitled to elect
329 at least a majority of the members of the board of directors of
330 the homeowners' association when the earlier of the following
331 events occurs:

332 (a) Three months after 90 percent of the parcels in all
333 phases of the community that will ultimately be operated by the
334 homeowners' association have been conveyed to members; ~~or~~

335 (b) Such other percentage of the parcels has been conveyed
336 to members, or such other date or event has occurred, as is set
337 forth in the governing documents in order to comply with the
338 requirements of any governmentally chartered entity with regard
339 to the mortgage financing of parcels;

340 (c) Two years after the developer has ceased construction
341 or ceased to offer parcels for sale in the ordinary course of
342 business;

343 (d) Upon the developer abandoning or deserting its
344 responsibility to maintain and complete the advertised amenities
345 or infrastructure. There is a rebuttable presumption that the
346 developer has abandoned and deserted the property if the
347 developer has not engaged in construction or sale of properties
348 or has unpaid assessments or guaranteed amounts under s. 720.308
349 for a period of more than 2 years;

350 (e) Upon the developer filing a petition seeking
351 protection under chapter 7 of the federal Bankruptcy Code;

352 (f) Upon the developer losing title to the property
353 through a foreclosure action or the transfer of a deed in lieu



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354 | of foreclosure unless the successor owner has accepted an
355 | assignment of developer rights and responsibilities; or

356 | (g) Upon a receiver for the developer being appointed by a
357 | circuit court and not being discharged within 30 days after such
358 | appointment, unless the court determines within 30 days after
359 | such appointment that transfer of control would be detrimental
360 | to the association or its members.

361 |

362 | For purposes of this section, the term "members other than the
363 | developer" shall not include builders, contractors, or others
364 | who purchase a parcel for the purpose of constructing
365 | improvements thereon for resale.

366 | (2) Members other than the developer are entitled to elect
367 | at least one member of the board of directors of the homeowners'
368 | association if 15 percent of the parcels in all phases of the
369 | community which will ultimately be operated by the association
370 | have been conveyed to members.

371 | (3) Members other than the developer are entitled to elect
372 | at least two members of the board of directors of the
373 | homeowners' association if 50 percent of the parcels in all
374 | phases of the community which will ultimately be operated by the
375 | association have been conveyed to members.

376 | Section 6. Subsection (1) of section 720.311, Florida
377 | Statutes, is amended, subsection (2) of that section is
378 | renumbered as subsection (4), and subsections (2) and (3) are
379 | added to that section, to read:

380 | 720.311 Dispute resolution.—



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381 (1) The Legislature finds that alternative dispute
382 resolution has made progress in reducing court dockets and
383 trials and in offering a more efficient, cost-effective option
384 to litigation. The filing of any petition for arbitration,
385 participation in an internal dispute resolution process, or the
386 serving of a demand for presuit mediation as provided for in
387 this section shall toll the applicable statute of limitations.

388 (2) Any recall dispute filed with the department pursuant
389 to s. 720.303(10) shall be conducted by the department in
390 accordance with the provisions of ss. 718.112(2)(j) and 718.1255
391 and the rules adopted by the division. In addition, the
392 department shall conduct mandatory binding arbitration of
393 election disputes between a member and an association pursuant
394 to s. 718.1255 and rules adopted by the division. Neither
395 election disputes nor recall disputes are eligible for internal
396 dispute resolution or presuit mediation; these disputes shall be
397 arbitrated by the department. At the conclusion of the
398 proceeding, the department shall charge the parties a fee in an
399 amount adequate to cover all costs and expenses incurred by the
400 department in conducting the proceeding. Initially, the
401 petitioner shall remit a filing fee of at least \$200 to the
402 department. The fees paid to the department shall become a
403 recoverable cost in the arbitration proceeding, and the
404 prevailing party in an arbitration proceeding shall recover its
405 reasonable costs and attorney's fees in an amount found
406 reasonable by the arbitrator. The department shall adopt rules
407 to effectuate the purposes of this section.



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408 (3) The association shall provide a fair, reasonable, and
409 expeditious procedure for resolving disputes concerning rights,
410 duties, or liabilities under this chapter and the governing
411 documents. If the association has not adopted such a procedure
412 by rule, it shall use the procedure in paragraph (b).

413 (a) The internal dispute resolution procedure shall meet
414 the following criteria:

415 1. The procedure must be in writing.

416 2. A member of the association may not be charged a fee to
417 participate in the procedure.

418 3. The procedure may be initiated by either party to a
419 dispute.

420 4. Requests to initiate the procedure must be in writing.

421 5. The procedure must use prompt deadlines and specify the
422 maximum time for the association to respond to requests to
423 initiate the procedure.

424 6. If the procedure is initiated by a member, the
425 association shall participate in the procedure.

426 7. If the procedure is initiated by the association, the
427 member may refuse to participate in the procedure.

428 8. The procedure shall provide a means by which the
429 parties may explain their positions.

430 9. If the dispute is resolved other than by agreement of
431 the parties, the member may appeal to the association's board of
432 directors.

433 10. Whenever feasible, neutral third parties shall be used
434 to facilitate resolution.



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435 11. The procedure may not prevent the member from
436 retaining an attorney or other representative.

437 (b) If the association has not adopted an internal dispute
438 resolution process, either party to a dispute may initiate the
439 following procedure, which is subject to the requirements of

440 (a):

441 1. The party may request, in writing, the other party to
442 meet and confer in an effort to resolve the dispute.

443 2. The association's board of directors shall deliver a
444 written response to a request from a member within 5 business
445 days. The response shall designate a member of the board to meet
446 and confer with the member and include contact information for
447 the board member.

448 3. The parties shall meet at a mutually convenient time
449 and place to explain their positions and confer in good faith in
450 an effort to resolve the dispute within 30 days after the
451 initial request. The parties may extend this time period by
452 agreement.

453 4. A resolution of the dispute agreed to by the parties
454 shall be memorialized in writing and signed by the parties,
455 including the association's board designee.

456 (c) A resolution of the dispute, which is not in conflict
457 with general law or the governing documents, is binding on the
458 association and is judicially enforceable. A written agreement
459 signed by the parties, which is not in conflict with general law
460 or the governing documents, is binding on the parties and is
461 judicially enforceable.



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462 Section 7. Section 720.315, Florida Statutes, is amended
463 to read:

464 720.315 Passage of ~~special~~ assessments.-

465 (1) Before turnover, the board of directors controlled by
466 the developer may not levy a special assessment unless a
467 majority of the members ~~parcel-owners~~ other than the developer
468 has approved the special assessment by a majority vote at a duly
469 called special meeting of the membership at which a quorum is
470 present.

471 (2) Before turnover, the board of directors controlled by
472 the developer may not increase assessments by more than 15
473 percent unless a majority of the members other than the
474 developer has approved the increase by a majority vote at a duly
475 called special meeting of the membership at which a quorum is
476 present. Increases in assessments pursuant to a schedule of
477 planned increases provided in the initial governing documents
478 are not subject to this subsection.

479
480 For purposes of this section, the term "members other than the
481 developer" shall not include builders, contractors, or others
482 who purchase a parcel for the purpose of constructing
483 improvements thereon for resale.

484 Section 8. This act shall take effect July 1, 2013.

485

486

487

488

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

489

Remove everything before the enacting clause and insert:



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490 An act relating to homeowners' associations; amending s.
491 468.436, F.S.; providing grounds for disciplinary actions
492 against community association managers; amending s. 720.303,
493 F.S.; requiring a homeowners' association to maintain an
494 internal dispute resolution procedure in the association's
495 official records; requiring official records to be maintained
496 within a specified distance of the association for a specified
497 time; authorizing associations to maintain such records online;
498 requiring associations to permit members to take photographs of
499 such records using electronic devices at no charge; removing
500 provisions allowing the association to charge fees for personnel
501 costs related to records access; requiring budgets to designate
502 permissible uses of reserve accounts; requiring a community
503 association manager, or the association in the absence of a
504 community association manager, to report certain information to
505 the Division of Florida Condominiums, Timeshares, and Mobile
506 Homes; providing an expiration date for the reporting
507 requirements; creating s. 720.3033, F.S.; requiring association
508 directors to file with the association secretary written
509 certification that they have read certain association documents,
510 will uphold the documents, and will uphold their fiduciary
511 responsibility to the members; providing for an educational
512 certificate in lieu of written certification; providing that
513 such certification is valid while the director is on the board;
514 providing penalties for failure to file such certification;
515 requiring the association secretary to retain such certification
516 for 5 years; requiring the board to follow specified procedures
517 relating to contracts or transactions between the association



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518 and certain entities; providing for disclosure of the contract
519 or transaction to members; providing for the cancellation of
520 such contract or transaction under certain circumstances;
521 prohibiting any association officer, director, or manager from
522 soliciting or receiving certain personal benefits from any
523 person providing or offering to provide goods or services to the
524 association and providing for removal for violations; providing
525 an exception; providing for the removal of any director or
526 officer charged with a felony theft or embezzlement offense
527 involving association funds or property; providing for the
528 reinstatement of such person under certain circumstances;
529 prohibiting a member with pending criminal charges from certain
530 positions; requiring the association to maintain insurance or a
531 bond to cover funds that will be in the custody of the
532 association or its management agent; providing a definition;
533 amending s. 720.306, F.S.; revising procedures for the election
534 of directors; amending s. 720.307, F.S.; providing additional
535 circumstances for authorizing members to elect a majority of
536 association board members; providing circumstances under which
537 members other than the developer are authorized to elect a
538 specified number of members to the board of directors; amending
539 s. 720.311, F.S.; requiring associations to adopt internal
540 dispute resolution procedures; providing minimum requirements
541 for such procedures; providing for an internal dispute
542 resolution in the absence of a procedure adopted by the
543 association; providing that certain resolutions and agreements
544 are binding and judicially enforceable; amending s. 720.315,
545 F.S.; prohibiting increases in assessments levied pursuant to



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546 | the annual budget under certain circumstances; providing an
547 | effective date.