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# Judiciary Committee

**April 4, 2014**

**9:30 AM**

**404 HOB**

**Action Packet**

**Will Weatherford**  
Speaker

**Dennis Baxley**  
Chair

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

### Summary:

#### Judiciary Committee

Friday April 04, 2014 09:30 am

CS/HB 109	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 338899 Adopted Without Objection		
HB 125	Favorable	Yeas: 14	Nays: 1
HM 381	Favorable	Yeas: 13	Nays: 1
CS/CS/HB 489	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 702913 Adopted Without Objection		
CS/HB 491	Favorable	Yeas: 14	Nays: 0
CS/CS/HB 595	Favorable	Yeas: 15	Nays: 0
CS/CS/HB 659	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 958223 Adopted Without Objection		
	Amendment 343637 Adopted Without Objection		
CS/HB 685	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 297137 Adopted Without Objection		
CS/HB 755	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 715837 Adopted Without Objection		
CS/HB 781	Favorable	Yeas: 14	Nays: 0
CS/CS/HB 989	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 694177 Adopted Without Objection		
CS/HB 1047	Favorable	Yeas: 8	Nays: 4
CS/HB 1397	Favorable	Yeas: 14	Nays: 0
HB 3519	Favorable	Yeas: 13	Nays: 1
HB 3529	Favorable	Yeas: 13	Nays: 1
CS/HB 3531	Favorable	Yeas: 13	Nays: 1
CS/HB 7037	Favorable With Committee Substitute	Yeas: 12	Nays: 2
	Amendment 146389 Adopted		
HB 7085	Favorable With Committee Substitute	Yeas: 16	Nays: 0

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

### Summary: (continued)

#### Judiciary Committee

Friday April 04, 2014 09:30 am

Amendment 264171 Adopted Without Objection

CS/HB 7087 Favorable With Committee Substitute Yeas: 14 Nays: 0

Amendment 312579 Adopted Without Objection

HB 7161 Favorable Yeas: 15 Nays: 0

HB 7163 Favorable Yeas: 15 Nays: 0

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Dennis Baxley (Chair)	X		
Daphne Campbell	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		
Daniel Raulerson	X		
Kenneth Roberson	X		
Elaine Schwartz	X		
Ross Spano	X		
Charlie Stone	X		
<b>Totals:</b>	<b>16</b>	<b>0</b>	<b>2</b>

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

### CS/HB 109 : Pub. Rec./Participants in Treatment-Based Drug Court Programs

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### CS/HB 109 Amendments

#### Amendment 338899

Adopted Without Objection

### Appearances:

CS/HB 109

Maclure, Eric (Lobbyist) - Waive In Support  
State Courts System  
Supreme Court Bldg 500 S. Duval St  
Tallahassee FL 32399  
Phone: 850)922-5692

CS/HB 109

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

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



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	—	

*Adopted Without Objection  
4/4/14*

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

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**Amendment**

Remove lines 38-39 and insert:

its responsibilities associated with the screening of a person  
considered for participation in or the provision of treatment to  
a person in a treatment-based drug court

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

HB 125 : Pub. Rec./Claim Settlement on Behalf of Minor or Ward

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 1</b>			

### Appearances:

HB 125

Gault, Ashley (Lobbyist) - Waive In Support

Real Property Probate Trust Law Section of Florida Bar

215 S. Monroe Street

Tallahassee FL 32301

Phone: 850-999-4100

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**HM 381 : Article V Convention of the States**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz		X			
Ross Spano			X		
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 1</b>			

**Appearances:**

HM 381

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HM 381

Datz, Amy (General Public) - Waive In Opposition

Retired, State Employee Family

1130 Crestview Ave.

Tallahassee FL 32303

Phone: (850) 322-7599

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 489 : Subsurface Rights

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### CS/CS/HB 489 Amendments

#### Amendment 702913

Adopted Without Objection

#### Appearances:

CS/CS/HB 489

Chanti, Erica (Lobbyist) - Waive In Support

Florida Community Financial Services Association

108 E. Jefferson St., Suite B

Tallahassee FL 32301

Phone: 850-681-0254

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



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	—	

*Adopted Without Objection  
4/4/14*

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

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 689.29, Florida Statutes, is created to read:

689.29.-- Disclosure of subsurface rights to prospective purchaser.--

(1) The seller must provide a prospective purchaser of residential property with a disclosure summary at or before the execution of the contract if the seller or an affiliated or related entity has previously severed or retained or will sever or retain any of the subsurface rights or right of entry. The disclosure summary must be conspicuous, in boldfaced type, and in a form substantially similar to the following:



Amendment No. 1

SUBSURFACE RIGHTSDISCLOSURE SUMMARY

SUBSURFACE RIGHTS HAVE BEEN OR WILL BE SEVERED FROM THE TITLE TO REAL PROPERTY BY CONVEYANCE (DEED) OF THE SUBSURFACE RIGHTS FROM THE SELLER OR AN AFFILIATED OR RELATED ENTITY OR BY RESERVATION OF THE SUBSURFACE RIGHTS BY THE SELLER OR AN AFFILIATED OR RELATED ENTITY. WHEN SUBSURFACE RIGHTS ARE SEVERED FROM THE PROPERTY, THE OWNER OF THOSE RIGHTS MAY HAVE THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE, AND REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY EITHER DIRECTLY FROM THE SURFACE OF THE PROPERTY OR FROM A NEARBY LOCATION. SUBSURFACE RIGHTS MAY HAVE A MONETARY VALUE.

...(Buyer Initials)...

(2) If the disclosure summary is not included in the contract for sale, the contract for sale must refer to and incorporate by reference the disclosure summary and must include, in prominent language, a statement that the potential purchaser should not execute the contract until he or she has read the disclosure summary required under this section.

(3) As used in this section, the term "subsurface rights" means the rights to all minerals, mineral fuels, and other resources, including, but not limited to, oil, gas, coal, oil shale, uranium, metals, and phosphate, whether or not it may be



Amendment No. 1

44 mixed with any other substance, found, or located beneath the  
45 surface of the earth.

46 (4) As used in this section, the term "seller" means any  
47 seller of real property which, at the time of sale, is zoned for  
48 residential use and is property upon which a new dwelling is  
49 being constructed or will be constructed pursuant to the  
50 contract of sale with the seller, or has been constructed since  
51 the last transfer of the property.

52 Section 2. This act shall take effect October 1, 2014.

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

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Remove everything before the enacting clause and insert:  
An act relating to subsurface rights; creating s. 689.29, F.S.;  
requiring a seller to provide a prospective purchaser with a  
subsurface rights disclosure summary; providing the form for the  
disclosure summary; requiring the disclosure summary to be  
included in the contract for sale or attached to the contract  
for sale; defining the term "subsurface rights"; defining the  
term "seller"; providing an effective date.

# COMMITTEE MEETING REPORT

## Judiciary Committee

**4/4/2014 9:30:00AM**

**Location:** Sumner Hall (404 HOB)

**CS/HB 491 : Infectious Disease Elimination Pilot Program**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson			X		
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

**Appearances:**

CS/HB 491

Oeters, Phillis (General Public) - Waive In Support  
 V.P. Community & Government Relations, Baptist Health South Florida  
 6855 Red Road  
 Miami Fl 33146  
 Phone: (305)205-2457

CS/HB 491

DeCastro, Martha (Lobbyist) - Waive In Support  
 Florida Hospital Association  
 306 E College Ave  
 Tallahassee FL 32301-1522  
 Phone: (850)222-9800

CS/HB 491

Tookes, Hansel (General Public) - Information Only  
 Univ of Miami, Miller School of Medicine  
 475 Brickell Ave, #4114  
 Miami Fl 33131  
 Phone: (917)446-1887

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 491 : Infectious Disease Elimination Pilot Program (continued)**

**Appearances: (continued)**

CS/HB 491

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

CS/HB 491

Lyon, Aimee (Lobbyist) - Waive In Support  
Florida Psychiatric Society  
521 E Park Ave  
Tallahassee FL 32301  
Phone: (850)205-9000

CS/HB 491

Jacquis, Michelle (Lobbyist) - Waive In Support  
Florida Medical Association  
PO Box 10269  
Tallahassee FL 32302  
Phone: (850)224-6496

CS/HB 491

Winn, Stephen (Lobbyist) - Waive In Support  
Florida Osteopathic Medical Association  
2007 Apalachee Pky  
Tallahassee FL 32301  
Phone: (850)878-7463

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**CS/CS/HB 595 : Council on the Social Status of Black Men and Boys**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson			X		
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 659 : Protective Orders

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson			X		
Kenneth Roberson			X		
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### CS/CS/HB 659 Amendments

#### Amendment 958223

Adopted Without Objection

#### Amendment 343637

Adopted Without Objection

### Appearances:

CS/CS/HB 659

Hellkamp, Erin (Lobbyist) - Waive In Support

Florida Sheriffs Association  
225 S. Adams Street, Suite 250  
Tallahassee FL 32301  
Phone: 850-222-7718

CS/CS/HB 659

Wiseman, Leisa (Lobbyist) - Waive In Support

Director, Communication, Florida Coalition Against Domestic Violence  
425 Office Plaza Drive  
Tallahassee FL 32301  
Phone: (850) 425-2741

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM





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	—	

*Adopted Without Objection  
4/4/14*

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

**Amendment**

5 Remove lines 23-91 and insert:

6 Section 1. Paragraph (c) of subsection (5) of section  
7 741.30, Florida Statutes, is amended to read:

8 741.30 Domestic violence; injunction; powers and duties of  
9 court and clerk; petition; notice and hearing; temporary  
10 injunction; issuance of injunction; statewide verification  
11 system; enforcement; public records exemption.—

12 (5)

13 (c) Any such ex parte temporary injunction is shall be  
14 effective for a fixed period not to exceed 15 days. However, if  
15 a final injunction is issued, but has not been served on the  
16 respondent, the temporary injunction remains in full force and  
17 effect until the final injunction is served on the respondent.



Amendment No. 1

18 In no event shall the temporary injunction extend beyond the  
19 expiration date of the final injunction, if such a date is  
20 designated.

21 (d) A full hearing, as provided by this section, shall be  
22 set for a date no later than the date when the ex parte  
23 temporary injunction ceases to be effective. The court may grant  
24 a continuance of a the hearing, before or during the a hearing,  
25 for good cause shown by any party. The need to obtain service of  
26 process constitutes good cause. An , which shall include a  
27 continuance to obtain service of process. Any injunction shall  
28 be extended so that it remains if necessary to remain in full  
29 force and effect during any period of continuance.

30 Section 2. Paragraph (c) of subsection (6) of section  
31 784.046, Florida Statutes, is amended to read:

32 784.046 Action by victim of repeat violence, sexual  
33 violence, or dating violence for protective injunction; dating  
34 violence investigations, notice to victims, and reporting;  
35 pretrial release violations; public records exemption.-

36 (6)

37 (c) Any such ex parte temporary injunction is shall be  
38 effective for a fixed period not to exceed 15 days. An However,  
39 an ex parte temporary injunction granted under subparagraph  
40 (2)(c)2. is effective for 15 days following the date the  
41 respondent is released from incarceration. However, if a final  
42 injunction is issued, but has not been served on the respondent,  
43 the temporary injunction remains in full force and effect until



Amendment No. 1

44 the final injunction is served on the respondent. In no event  
45 shall the temporary injunction extend beyond the expiration date  
46 of the final injunction, if such a date is designated.

47 (d) A full hearing, as provided by this section, shall be  
48 set for a date no later than the date when the ex parte  
49 temporary injunction ceases to be effective. The court may grant  
50 a continuance of a the ex parte injunction and the full hearing,  
51 before or during the a hearing, for good cause shown by any  
52 party. The need to obtain service of process constitutes good  
53 cause. An injunction shall be extended so that it remains in  
54 full force and effect during any period of continuance.

55 Section 3. Paragraph (c) of subsection (5) of section  
56 784.0485, Florida Statutes, is amended to read:

57 784.0485 Stalking; injunction; powers and duties of court  
58 and clerk; petition; notice and hearing; temporary injunction;  
59 issuance of injunction; statewide verification system;  
60 enforcement.-

61 (5)

62 (c) Any such ex parte temporary injunction is effective  
63 for a fixed period not to exceed 15 days. However, if a final  
64 injunction is issued, but has not been served on the respondent,  
65 the temporary injunction remains in full force and effect until  
66 the final injunction is served on the respondent. In no event  
67 shall the temporary injunction extend beyond the expiration date  
68 of the final injunction, if such a date is designated.



Amendment No. 1

69        (d) A full hearing, as provided in this section, shall be  
70 set for a date no later than the date when the ex parte  
71 temporary injunction ceases to be effective. The court may grant  
72 a continuance of a the hearing, before or during the a hearing  
73 for good cause shown by any party. The need to obtain service of  
74 process constitutes good cause, ~~which shall include a~~  
75 ~~continuance to obtain service of process.~~ An injunction shall be  
76 extended so that it remains ~~if necessary to remain~~ in full force  
77 and effect during any period of continuance.

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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	—	

*Adopted without objection  
4/4/14*

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

**Amendment (with title amendment)**

Remove line 199 and insert:

Section 8. Paragraph (b) of subsection (1) of section  
903.047, Florida Statutes, is amended to read:

903.047 Conditions of pretrial release.—

(1) As a condition of pretrial release, whether such  
release is by surety bail bond or recognizance bond or in some  
other form, the defendant shall:

(b) Refrain from any contact of any type with the victim,  
except through pretrial discovery pursuant to the Florida Rules  
of Criminal Procedure. This condition becomes effective  
immediately upon order of the court.

Section 9. This act shall take effect October 1, 2014.



Amendment No. 2

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

Remove lines 2-18 and insert:

An act relating to the protection of crime victims; amending ss. 741.30, 784.046, and 784.0485, F.S.; extending the effectiveness of certain temporary injunctions in domestic violence, repeat violence, sexual violence, dating violence, or stalking proceedings in certain circumstances; amending ss. 784.047 and 784.0487, F.S.; providing that it is unlawful for a person to violate a final injunction for protection against repeat violence, dating violence, sexual violence, stalking, or cyberstalking by having in his or her care, custody, possession, or control any firearm or ammunition; providing penalties; amending s. 790.233, F.S.; conforming provisions to changes made by the act; amending s. 901.15, F.S.; expanding situations in which an arrest without a warrant is lawful to include probable cause of repeat violence, sexual violence, stalking, cyberstalking, or child abuse; amending s. 903.047, F.S.; providing the condition of pretrial release prohibiting a defendant from contacting the victim becomes effective immediately upon order of the court; providing an

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

### CS/HB 685 : Business Organizations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson			X		
Kenneth Roberson			X		
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### CS/HB 685 Amendments

#### Amendment 297137

Adopted Without Objection

### Appearances:

CS/HB 685

Black, Greg (Lobbyist) - Waive In Support  
Business Law Section of the Florida Bar  
215 S Monroe Street, Suite 505  
Tallahassee FL 32301  
Phone: 850-205-9000

CS/HB 685

Perdue, Tamela (Lobbyist) - Waive In Support  
Associated Industries of Florida Service Corporation  
PO Box 784  
Tallahassee FL 32302  
Phone: (850)224-7173

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 685 : Business Organizations (continued)**

**Appearances: (continued)**

CS/HB 685

Burrus, Christie (Lobbyist) (State Employee) - Waive In Support

Department of State

500 S. Bronough St

Tallahassee FL 32399

Phone: 850)245-6529

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM





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	_____	

*Adopted Without Objection  
4/4/14*

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

4 **Amendment (with title amendment)**

5 Remove lines 142-145 and insert:

6 Statutes, and entitled "GENERAL PROVISIONS."

7 Section 3. Section 607.0101, Florida Statutes, is amended  
8 to read:

9 607.0101 Short title. ~~-This chapter act shall be known and~~  
10 may

12 -----

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

14 Remove lines 8-9 and insert:

15 designating part I of ch. 607, F.S., entitled "General  
16 Provisions"; amending s. 607.0101, F.S.; revising a

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

CS/HB 755 : Family Law

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### CS/HB 755 Amendments

#### Amendment 715837

Adopted Without Objection

### Appearances:

CS/HB 755

Maclure, Eric (Lobbyist) (State Employee) - Waive In Support

Deputy State Courts Administrator

500 South Duval St.

Tallahassee FL 32399

Phone: (850) 922-5692

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



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		

*Adopted without objection  
4/4/14*

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

3  
4 **Amendment (with title amendment)**  
5 Remove everything after the enacting clause and insert:  
6 Section 1. Subsection (11) of section 61.30, Florida  
7 Statutes, is amended to read:

8 61.30 Child support guidelines; retroactive child  
9 support.-

10 (11) (a) The court may adjust the total minimum child  
11 support award, or either or both parents' share of the total  
12 minimum child support award, based upon the following deviation  
13 factors:

14 1. Extraordinary medical, psychological, educational, or  
15 dental expenses.

16 2. Independent income of the child, not to include moneys  
17 received by a child from supplemental security income.



## Amendment No. 1

- 18           3. The payment of support for a parent which has been  
19 regularly paid and for which there is a demonstrated need.
- 20           4. Seasonal variations in one or both parents' incomes or  
21 expenses.
- 22           5. The age of the child, taking into account the greater  
23 needs of older children.
- 24           6. Special needs, such as costs that may be associated  
25 with the disability of a child, that have traditionally been met  
26 within the family budget even though fulfilling those needs will  
27 cause the support to exceed the presumptive amount established  
28 by the guidelines.
- 29           7. Total available assets of the obligee, obligor, and the  
30 child.
- 31           8. The impact of the Internal Revenue Service Child &  
32 Dependent Care Tax Credit, Earned Income Tax Credit, and  
33 dependency exemption and waiver of that exemption. The court may  
34 order a parent to execute a waiver of the Internal Revenue  
35 Service dependency exemption if the paying parent is current in  
36 support payments.
- 37           9. An application of the child support guidelines schedule  
38 that requires a person to pay another person more than 55  
39 percent of his or her gross income for a child support  
40 obligation for current support resulting from a single support  
41 order.
- 42           10. The particular parenting plan, a court-ordered time-  
43 sharing schedule, or a time-sharing arrangement exercised by



Amendment No. 1

44 agreement of the parties, such as where the child spends a  
45 significant amount of time, but less than 20 percent of the  
46 overnights, with one parent, thereby reducing the financial  
47 expenditures incurred by the other parent; or the refusal of a  
48 parent to become involved in the activities of the child.

49 11. Any other adjustment that is needed to achieve an  
50 equitable result which may include, but not be limited to, a  
51 reasonable and necessary existing expense or debt. Such expense  
52 or debt may include, but is not limited to, a reasonable and  
53 necessary expense or debt that the parties jointly incurred  
54 during the marriage.

55 (b) Whenever a particular parenting plan, a court-ordered  
56 time-sharing schedule, or a time-sharing arrangement exercised  
57 by agreement of the parties provides that each child spend a  
58 substantial amount of time with each parent, the court shall  
59 adjust any award of child support, as follows:

60 1. In accordance with subsections (9) and (10), calculate  
61 the amount of support obligation apportioned to each parent  
62 without including day care and health insurance costs in the  
63 calculation and multiply the amount by 1.5.

64 2. Calculate the percentage of overnight stays the child  
65 spends with each parent.

66 3. Multiply each parent's support obligation as calculated  
67 in subparagraph 1. by the percentage of the other parent's  
68 overnight stays with the child as calculated in subparagraph 2.

69 4. The difference between the amounts calculated in

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Amendment No. 1

70 subparagraph 3. shall be the monetary transfer necessary between  
71 the parents for the care of the child, subject to an adjustment  
72 for day care and health insurance expenses.

73 5. Pursuant to subsections (7) and (8), calculate the net  
74 amounts owed by each parent for the expenses incurred for day  
75 care and health insurance coverage for the child.

76 6. Adjust the support obligation owed by each parent  
77 pursuant to subparagraph 4. by crediting or debiting the amount  
78 calculated in subparagraph 5. This amount represents the child  
79 support which must be exchanged between the parents.

80 7. The court may deviate from the child support amount  
81 calculated pursuant to subparagraph 6. based upon the deviation  
82 factors in paragraph (a), as well as the obligee parent's low  
83 income and ability to maintain the basic necessities of the home  
84 for the child, the likelihood that either parent will actually  
85 exercise the time-sharing schedule set forth in the parenting  
86 plan, a court-ordered time-sharing schedule, or a time-sharing  
87 arrangement exercised by agreement of the parties granted by the  
88 court, and whether all of the children are exercising the same  
89 time-sharing schedule.

90 8. For purposes of adjusting any award of child support  
91 under this paragraph, "substantial amount of time" means that a  
92 parent exercises time-sharing at least 20 percent of the  
93 overnights of the year.

94 (c) A parent's failure to regularly exercise the time-  
95 sharing schedule set forth in the parenting plan, a court-



Amendment No. 1

96 | ~~ordered or agreed~~ time-sharing schedule, or a time-sharing  
97 | arrangement exercised by agreement of the parties not caused by  
98 | the other parent which resulted in the adjustment of the amount  
99 | of child support pursuant to subparagraph (a)10. or paragraph  
100 | (b) shall be deemed a substantial change of circumstances for  
101 | purposes of modifying the child support award. A modification  
102 | pursuant to this paragraph is retroactive to the date the  
103 | noncustodial parent first failed to regularly exercise the  
104 | court-ordered or agreed time-sharing schedule.

105 | Section 2. Subsection (4) is added to section 90.204,  
106 | Florida Statutes, to read:

107 | 90.204 Determination of propriety of judicial notice and  
108 | nature of matter noticed.-

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

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Published On: 4/3/2014 6:03:33 PM



Amendment No. 1

121 Section 3. Paragraph (b) of subsection (5) of section  
122 741.30, Florida Statutes, is amended to read:

123 741.30 Domestic violence; injunction; powers and duties of  
124 court and clerk; petition; notice and hearing; temporary  
125 injunction; issuance of injunction; statewide verification  
126 system; enforcement; public records exemption.-

127 (5)

128 (b) Except as provided in s. 90.204, in a hearing ex parte  
129 for the purpose of obtaining such ex parte temporary injunction,  
130 no evidence other than verified pleadings or affidavits shall be  
131 used as evidence, unless the respondent appears at the hearing  
132 or has received reasonable notice of the hearing. A denial of a  
133 petition for an ex parte injunction shall be by written order  
134 noting the legal grounds for denial. When the only ground for  
135 denial is no appearance of an immediate and present danger of  
136 domestic violence, the court shall set a full hearing on the  
137 petition for injunction with notice at the earliest possible  
138 time. Nothing herein affects a petitioner's right to promptly  
139 amend any petition, or otherwise be heard in person on any  
140 petition consistent with the Florida Rules of Civil Procedure.

141 Section 4. Paragraph (b) of subsection (6) of section  
142 784.046, Florida Statutes, is amended to read:

143 784.046 Action by victim of repeat violence, sexual  
144 violence, or dating violence for protective injunction; dating  
145 violence investigations, notice to victims, and reporting;  
146 pretrial release violations; public records exemption.-

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Amendment No. 1

147 (6)

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

153 Section 5. Paragraph (b) of subsection (5) of section  
154 784.0485, Florida Statutes, is amended to read:

155 784.0485 Stalking; injunction; powers and duties of court  
156 and clerk; petition; notice and hearing; temporary injunction;  
157 issuance of injunction; statewide verification system;  
158 enforcement.-

159 (5)

160 (b) Except as provided in s. 90.204, in a hearing ex parte  
161 for the purpose of obtaining such ex parte temporary injunction,  
162 evidence other than verified pleadings or affidavits may not be  
163 used as evidence, unless the respondent appears at the hearing  
164 or has received reasonable notice of the hearing. A denial of a  
165 petition for an ex parte injunction shall be by written order  
166 noting the legal grounds for denial. If the only ground for  
167 denial is no appearance of an immediate and present danger of  
168 stalking, the court shall set a full hearing on the petition for  
169 injunction with notice at the earliest possible time. This  
170 paragraph does not affect a petitioner's right to promptly amend  
171 any petition, or otherwise be heard in person on any petition  
172 consistent with the Florida Rules of Civil Procedure.

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Amendment No. 1

173 Section 6. This act shall take effect July 1, 2014.

174

175

176 -----

177

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

178

Remove everything before the enacting clause and insert:

179

An act relating to family law; amending s. 61.30, F.S.;

180

providing for consideration of time-sharing schedules or time-

181

sharing arrangements as a factor in the adjustment of awards of

182

child support; amending s. 90.204, F.S.; authorizing judges in

183

family cases to take judicial notice of certain court records

184

without prior notice to the parties when imminent danger to

185

persons or property has been alleged and it is impractical to

186

give prior notice; providing for a deferred opportunity to

187

present evidence; requiring a notice of taking such judicial

188

notice to be filed within a specified period; providing that the

189

term "family cases" has the same meaning as provided in the

190

Rules of Judicial Administration; amending ss. 741.30, 784.046,

191

and 784.0485, F.S.; creating an exception to a prohibition

192

against using evidence other than the verified pleading or

193

affidavit in an ex parte hearing for a temporary injunction for

194

protection against domestic violence, repeat violence, sexual

195

violence, dating violence, or stalking; providing an effective

196

date.

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

### CS/HB 781 : Legal Notices

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson			X		
Kenneth Roberson			X		
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### Appearances:

CS/HB 781

Ridings, Dean (Lobbyist) - Waive In Support  
President, Florida Press Association  
336 E. College Ave.  
Tallahassee FL 32301  
Phone: 850-212-8895

CS/HB 781

Malaney, Wayne (Lobbyist) - Waive In Support  
American Lawyer Media, L.P.  
P.O. Box 12514  
Tallahassee FL 32317  
Phone: 850-933-7001

CS/HB 781

Dunbar, Pete (Lobbyist) - Waive In Support  
Real Property Section of the Florida Bar  
215 S Monroe Street, Suite 815  
Tallahassee FL 32301  
Phone: 850-999-4100

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 989 : Human Trafficking

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson			X		
Kenneth Roberson			X		
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### CS/CS/HB 989 Amendments

#### Amendment 694177

Adopted Without Objection

#### Appearances:

CS/CS/HB 989

Bunkley, Bill (Lobbyist) - Waive In Support

President, Florida Ethics and Religion Liberty Commission

P.O Box 340288

Tampa FL 33694

Phone: (813) 264-2977

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



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	_____	

*Adopted without objection  
4/4/14*

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

3  
4 **Amendment**

5 Remove lines 162-171 and insert:

6 (c) The victim's need for assistance must be certified by  
7 a certified rape crisis center in this state or by the state  
8 attorney or statewide prosecutor having jurisdiction over the  
9 offense. A victim of human trafficking's need for assistance may  
10 also be certified by a state certified domestic violence center.

11 (d) The center's center certification must assert that the  
12 victim is cooperating with law enforcement officials, if  
13 applicable, and must include documentation that the victim has  
14 developed a safety plan. If the victim seeking relocation  
15 assistance is a victim of a human trafficking offense as  
16 specified in s. 787.06(3)(b), (d), (f), (g), or (h), the  
17 certified rape crisis center's or certified domestic violence



Amendment No. 1

18 center's certification shall include approval of the state  
19 attorney or statewide prosecutor, attesting that the victim is  
20 cooperating with law enforcement officials, if applicable.

21

22

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

### CS/HB 1047 : Termination of Pregnancies

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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		
Daniel Raulerson			X		
Kenneth Roberson			X		
Elaine Schwartz		X			
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 8</b>		<b>Total Nays: 4</b>			

### Appearances:

CS/HB 1047

Johnson, Sara (Lobbyist) - Waive In Support

Florida Family Action  
4853 S. Orange Ave.  
Orlando FL 32806  
Phone: (850)567-8143

CS/HB 1047

Delgado, Ingrid (Lobbyist) - Waive In Support

Associate for Social Concerns, Florida Conference of Catholic Bishops  
201 W Park Ave  
Tallahassee FL 32301

CS/HB 1047

Datz, Amy (General Public) - Waive In Opposition

Retired, State Employee Family  
1130 Crestview Ave.  
Tallahassee FL 32303  
Phone: (850) 322-7599

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 1047 : Termination of Pregnancies (continued)**

**Appearances: (continued)**

CS/HB 1047

Swickard, Beth (Lobbyist) - Waive In Opposition

FI Alliance of Planned Parenthood Affiliates

2300 N Florida Mango Rd

West Palm Beach FI 33409

Phone: (561)472-9934

CS/HB 1047

Wilson, Diane (General Public) - Waive In Opposition

Co-State Director, UniteWomen.org FL

PO Box 206

Panacea FI 32346

Phone: 850-984-4768

CS/HB 1047

Fort, Pamela (Lobbyist) - Waive In Opposition

ACLU of Florida

104 S. Monroe Street

Tallahassee Florida 32301

Phone: 850-425-1344

CS/HB 1047

DeVane, Barbara (Lobbyist) - Waive In Opposition

FL NOW

625 E Brevard St.

Tallahassee FI 32308

Phone: (850)222-3969

CS/HB 1047

Bunkley, Bill (Lobbyist) - Waive In Support

President, Florida Ethics and Religion Liberty Commission

P.O Box 340288

Tampa FL 33694

Phone: (813) 264-2977

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

CS/HB 1397 : Family Law

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson			X		
Kenneth Roberson			X		
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

HB 3519 : Relief/Monica Cantillo Acosta & Luis Alberto Cantillo Acosta/Miami-Dade County

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

**4/4/2014 9:30:00AM**

**Location:** Sumner Hall (404 HOB)

**HB 3529 : Relief/Carl Abbott/Palm Beach County School District**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

CS/HB 3531 : Relief/Ronald Miller/City of Hollywood

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

### CS/HB 7037 : Residential Communities

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz		X			
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 2</b>			

### CS/HB 7037 Amendments

#### Amendment 146389

Adopted

#### Appearances:

CS/HB 7037

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/HB 7037

Dunbar, Pete (Lobbyist) - Opponent

Real Property Section of the Florida Bar

215 S Monroe Street, Suite 815

Tallahassee FL 32301

Phone: 850-999-4100

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**CS/HB 7037 : Residential Communities (continued)**

**Appearances: (continued)**

CS/HB 7037

Moore, Travis (Lobbyist) - Opponent

First Service Residential & Community Associations Institute

P O Box 781

Largo FL

Phone: 727-421-6902

CS/HB 7037

Pratt, Kenneth (Lobbyist) - Opponent

Vice President of Governmental Affairs, Florida Bankers Association

1001 Thomasville Rd, Ste 201

Tallahassee FL 32303

Phone: 850-509-8020

CS/HB 7037

Anderson, Mark (Lobbyist) - Opponent

Chief Executive Officers of Management Companies

5901 Sun Blvd Ste 203

St Petersburg FL 33715

Phone: (813)205-0658

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



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	—	

*Adopted  
4/4/14*

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

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
 6 Section 1. Subsection (2) of section 468.431, Florida

7 Statutes, is amended to read:

8 468.431 Definitions.—As used in this part:

9 (2) "Community association management" means any of the  
 10 following practices requiring substantial specialized knowledge,  
 11 judgment, and managerial skill when done for remuneration and  
 12 when the association or associations served contain more than 10  
 13 units or have an annual budget or budgets in excess of \$100,000:  
 14 controlling or disbursing funds of a community association,  
 15 preparing budgets or other financial documents for a community  
 16 association, assisting in the noticing or conduct of community  
 17 association meetings, determining the number of days required



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18 for statutory notices, determining amounts due to the  
19 association, collecting amounts due to the association before  
20 filing of a civil action, calculating the votes required for a  
21 quorum or to approve a proposition or amendment, completing  
22 forms related to the management of a community association that  
23 have been created by statute or by a state agency, drafting  
24 meeting notices and agendas, calculating and preparing  
25 certificates of assessment and estoppel certificates, responding  
26 to requests for certificates of assessment and estoppel  
27 certificates, negotiating monetary or performance terms of a  
28 contract subject to approval by an association, drafting  
29 prearbitration demands, coordinating or performing maintenance  
30 for real or personal property and other related routine services  
31 involved in the operation of a community association, and  
32 complying with the association's governing documents and the  
33 requirements of law as necessary to perform such practices and  
34 ~~coordinating maintenance for the residential development and~~  
35 ~~other day to day services involved with the operation of a~~  
36 ~~community association.~~ A person who performs clerical or  
37 ministerial functions under the direct supervision and control  
38 of a licensed manager or who is charged only with performing the  
39 maintenance of a community association and who does not assist  
40 in any of the management services described in this subsection  
41 is not required to be licensed under this part.

42 Section 2. Section 468.4334, Florida Statutes, is created  
43 to read:

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44 Section 2. Section 468.4334, Florida Statutes, is created  
45 to read:

46 468.4334 Duty of care; liability; indemnification.—

47 (1) The duty of care owed by a community association  
48 manager and a community association management firm to a  
49 community association is that level of care that a reasonably  
50 careful community association manager or firm would provide in  
51 like circumstances.

52 (2) A contract between a managed community association and  
53 a community association manager or a community association  
54 management firm may provide that the community association  
55 indemnifies and holds harmless the community association manager  
56 or community association management firm for ordinary negligence  
57 that results from the manager or management firm's act or  
58 omission that was the result of a lawful instruction of the  
59 directors or an officer of the community association. The  
60 provision for indemnification must be clear and conspicuous in  
61 the agreement. However, such indemnification may not cover, and  
62 the community association manager or a community association  
63 management firm may be held liable for, any act or omission  
64 that:

65 (a) Violates a criminal law as such is defined in s.  
66 617.0834(1)(b)1.;

67 (b) Derives an improper personal benefit, either directly  
68 or indirectly;

69 (c) Is grossly negligent; or

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70        (d) Is reckless, is in bad faith, is with malicious  
71 purpose, or is in a manner exhibiting wanton and willful  
72 disregard of human rights, safety, or property.

73        Section 3. Subsections (3), (5), and (6) of section  
74 718.116, Florida Statutes, are amended to read:

75        718.116 Assessments; liability; lien and priority;  
76 interest; collection.-

77        (3) Assessments and installments on assessments which are  
78 not paid when due bear interest at the rate provided in the  
79 declaration, from the due date until paid. The rate may not  
80 exceed the rate allowed by law, and, if no rate is provided in  
81 the declaration, interest accrues at the rate of 18 percent per  
82 year. If provided by the declaration or bylaws, the association  
83 may, in addition to such interest, charge an administrative late  
84 fee of up to the greater of \$25 or 5 percent of each delinquent  
85 installment for which the payment is late. The association may  
86 also recover from the unit owner any reasonable charges imposed  
87 upon the association under a written contract with its  
88 management or bookkeeping company, or collection agent, incurred  
89 in connection with collecting a delinquent assessment. Any  
90 payment received by an association must be applied first to any  
91 interest accrued by the association, then to any administrative  
92 late fee, then to any costs and reasonable attorney attorney's  
93 fees incurred in collection, then to any reasonable costs for  
94 collection services contracted by the association, and then to  
95 the delinquent assessment. The foregoing is applicable

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96 notwithstanding any restrictive endorsement, designation, or  
97 instruction placed on or accompanying a payment. A late fee is  
98 not subject to chapter 687 or s. 718.303(4).

99 (5) (a) The association has a lien on each condominium  
100 parcel to secure the payment of assessments. Except as otherwise  
101 provided in subsection (1) and as set forth below, the lien is  
102 effective from and shall relate back to the recording of the  
103 original declaration of condominium, or, in the case of lien on  
104 a parcel located in a phase condominium, the last to occur of  
105 the recording of the original declaration or amendment thereto  
106 creating the parcel. However, as to first mortgages of record,  
107 the lien is effective from and after recording of a claim of  
108 lien in the public records of the county in which the  
109 condominium parcel is located. Nothing in this subsection shall  
110 be construed to bestow upon any lien, mortgage, or certified  
111 judgment of record on April 1, 1992, including the lien for  
112 unpaid assessments created herein, a priority which, by law, the  
113 lien, mortgage, or judgment did not have before that date.

114 (b) To be valid, a claim of lien must state the description  
115 of the condominium parcel, the name of the record owner, the  
116 name and address of the association, the amount due, and the due  
117 dates. It must be executed and acknowledged by an officer or  
118 authorized agent of the association. The lien is not effective 1  
119 year after the claim of lien was recorded unless, within that  
120 time, an action to enforce the lien is commenced. The 1-year  
121 period is automatically extended for any length of time during



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122 which the association is prevented from filing a foreclosure  
123 action by an automatic stay resulting from a bankruptcy petition  
124 filed by the parcel owner or any other person claiming an  
125 interest in the parcel. The claim of lien secures all unpaid  
126 assessments that are due and that may accrue after the claim of  
127 lien is recorded and through the entry of a final judgment, as  
128 well as interest, authorized administrative late fees, and all  
129 reasonable costs and attorney attorney's fees incurred by the  
130 association incident to the collection process, including but  
131 not limited to, any reasonable costs for collection services  
132 contracted by the association. Upon payment in full, the person  
133 making the payment is entitled to a satisfaction of the lien.

134 (c) By recording a notice in substantially the following  
135 form, a unit owner or the unit owner's agent or attorney may  
136 require the association to enforce a recorded claim of lien  
137 against his or her condominium parcel:

## NOTICE OF CONTEST OF LIEN

139 TO: ... (Name and address of association)... You are  
140 notified that the undersigned contests the claim of lien filed  
141 by you on ....., ... (year)..., and recorded in Official Records  
142 Book .... at Page ....., of the public records of .... County,  
143 Florida, and that the time within which you may file suit to  
144 enforce your lien is limited to 90 days from the date of service  
145 of this notice. Executed this .... day of ....., ... (year)....

146 Signed: ... (Owner or Attorney)...

147

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148 After notice of contest of lien has been recorded, the clerk of  
 149 the circuit court shall mail a copy of the recorded notice to  
 150 the association by certified mail, return receipt requested, at  
 151 the address shown in the claim of lien or most recent amendment  
 152 to it and shall certify to the service on the face of the  
 153 notice. Service is complete upon mailing. After service, the  
 154 association has 90 days in which to file an action to enforce  
 155 the lien; and, if the action is not filed within the 90-day  
 156 period, the lien is void. However, the 90-day period shall be  
 157 extended for any length of time during which the association is  
 158 prevented from filing its action because of an automatic stay  
 159 resulting from the filing of a bankruptcy petition by the unit  
 160 owner or by any other person claiming an interest in the parcel.

161 (d) A release of lien must be in substantially the  
 162 following form:

163  
 164 RELEASE OF LIEN  
 165

166 The undersigned lienor, in consideration of the final payment in  
 167 the amount of \$...., hereby waives and releases its lien and  
 168 right to claim a lien for unpaid assessments through .....,  
 169 ...(year)...., recorded in the Official Records Book .... at Page  
 170 ...., of the public records of .... County, Florida, for the  
 171 following described real property:

172  
 173 UNIT NO. .... OF (NAME OF CONDOMINIUM), A CONDOMINIUM



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174 AS SET FORTH IN THE DECLARATION OF CONDOMINIUM AND THE  
 175 EXHIBITS ANNEXED THERETO AND FORMING A PART THEREOF,  
 176 RECORDED IN OFFICIAL RECORDS BOOK . . . ., PAGE . . . ., OF  
 177 THE PUBLIC RECORDS OF . . . . COUNTY, FLORIDA. THE ABOVE  
 178 DESCRIPTION INCLUDES, BUT IS NOT LIMITED TO, ALL  
 179 APPURTENANCES TO THE CONDOMINIUM UNIT ABOVE DESCRIBED,  
 180 INCLUDING THE UNDIVIDED INTEREST IN THE COMMON  
 181 ELEMENTS OF SAID CONDOMINIUM.

182  
 183 (signature of witness) (signature of authorized agent)  
 184 Print name: Print name:

185  
 186 (signature of witness)  
 187 Print name:

188  
 189 Sworn to (or affirmed) and subscribed before me this . . . . day of  
 190 . . . ., . . .(year) . . ., by . . .(name of person making statement) . . .  
 191 . . .(Signature of Notary Public) . . .  
 192 . . .(Print, type, or stamp commissioned name of Notary Public) . . .  
 193 Personally Known . . . . OR Produced . . . . as identification.

194 (6) (a) The association may bring an action in its name to  
 195 foreclose a lien for assessments in the manner a mortgage of  
 196 real property is foreclosed and may also bring an action to  
 197 recover a money judgment for the unpaid assessments without  
 198 waiving any claim of lien. The association is entitled to  
 199 recover its reasonable attorney's fees incurred in either a lien



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200 foreclosure action or an action to recover a money judgment for  
201 unpaid assessments.

202 (b) No foreclosure judgment may be entered until at least  
203 30 days after the association gives written notice to the unit  
204 owner of its intention to foreclose its lien to collect the  
205 unpaid assessments. The notice must be in substantially the  
206 following form:

207  
208 DELINQUENT ASSESSMENT

209  
210 This letter is to inform you a Claim of Lien has been filed  
211 against your property because you have not paid the \_\_\_\_\_  
212 assessment to \_\_\_\_\_ Association. The Association intends  
213 to foreclose the lien and collect the unpaid amount within 30  
214 days of this letter being provided to you.

215  
216 You owe the interest accruing from (month/year) to the present.  
217 As of the date of this letter, the total amount due with  
218 interest is \$ \_\_\_\_ . . All costs of any action and interest from  
219 this day forward will also be charged to your account.

220  
221 Any questions concerning this matter should be directed to  
222 (insert name, addresses and phone numbers of Association  
223 representative).

224  
225 If this notice is not given at least 30 days before the



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226 foreclosure action is filed, and if the unpaid assessments,  
227 including those coming due after the claim of lien is recorded,  
228 are paid before the entry of a final judgment of foreclosure,  
229 the association shall not recover attorney's fees or costs. The  
230 notice must be given by delivery of a copy of it to the unit  
231 owner or by certified or registered mail, return receipt  
232 requested, addressed to the unit owner at his or her last known  
233 address; and, upon such mailing, the notice shall be deemed to  
234 have been given, and the court shall proceed with the  
235 foreclosure action and may award attorney's fees and costs as  
236 permitted by law. The notice requirements of this subsection are  
237 satisfied if the unit owner records a notice of contest of lien  
238 as provided in subsection (5). The notice requirements of this  
239 subsection do not apply if an action to foreclose a mortgage on  
240 the condominium unit is pending before any court; if the rights  
241 of the association would be affected by such foreclosure; and if  
242 actual, constructive, or substitute service of process has been  
243 made on the unit owner.

244 Section 4. Subsection (4) of section 718.121, Florida  
245 Statutes, is amended to read:

246 718.121 Liens.—

247 (4) Except as otherwise provided in this chapter, no lien  
248 may be filed by the association against a condominium unit until  
249 30 days after the date on which a notice of intent to file a  
250 lien has been delivered to the owner by registered or certified  
251 mail, return receipt requested, and by first-class United States





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252 mail to the owner at his or her last address as reflected in the  
 253 records of the association, if the address is within the United  
 254 States, and delivered to the owner at the address of the unit if  
 255 the owner's address as reflected in the records of the  
 256 association is not the unit address. If the address reflected in  
 257 the records is outside the United States, sending the notice to  
 258 that address and to the unit address by first-class United  
 259 States mail is sufficient. Delivery of the notice shall be  
 260 deemed given upon mailing as required by this subsection. The  
 261 notice must be in substantially the following form:

262  
 263 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

264  
 265 Re: Unit \_\_\_\_\_ of (name of association)  
 266

267 The following amounts are currently due on your account to  
 268 \_\_\_\_\_ Association, and must be paid within thirty (30)  
 269 days after your receipt of this letter. This letter shall serve  
 270 as the Association's notice of intent to record a Claim of Lien  
 271 against your property after thirty (30) days from your receipt  
 272 of this letter, unless you pay in full the amounts set forth  
 273 below:

274			
275	Maintenance due	(dates)	\$ _____
276	Late fee, if applicable		\$ _____
277	Interest through	*	\$ _____



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278	Certified mail charges	\$
279	Other costs	\$
280		
281	<b>TOTAL OUTSTANDING</b>	<b>\$</b>

282  
283 \* interest accrues at the rate of \$ per day.

284 Section 5. Subsections (3) and (4) of section 719.108,  
285 Florida Statutes, are amended to read:

286 719.108 Rents and assessments; liability; lien and  
287 priority; interest; collection; cooperative ownership.-

288 (3) Rents and assessments, and installments on them, not  
 289 paid when due bear interest at the rate provided in the  
 290 cooperative documents from the date due until paid. This rate  
 291 may not exceed the rate allowed by law and, if a rate is not  
 292 provided in the cooperative documents, accrues at 18 percent per  
 293 annum. If the cooperative documents or bylaws so provide, the  
 294 association may charge an administrative late fee in addition to  
 295 such interest, not to exceed the greater of \$25 or 5 percent of  
 296 each installment of the assessment for each delinquent  
 297 installment that the payment is late. The association may also  
 298 recover from the unit owner any reasonable charges imposed upon  
 299 the association under a written contract with its management or  
 300 bookkeeping company, or collection agent, incurred in connection  
 301 with collecting a delinquent assessment. Any payment received by  
 302 an association must be applied first to any interest accrued by  
 303 the association, then to any administrative late fee, then to



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304 any costs and reasonable attorney ~~attorney's~~ fees incurred in  
305 collection, then to any reasonable costs for collection services  
306 contracted for by the association, and then to the delinquent  
307 assessment. The foregoing applies notwithstanding any  
308 restrictive endorsement, designation, or instruction placed on  
309 or accompanying a payment. A late fee is not subject to chapter  
310 687 or s. 719.303(4).

311 (4) The association has a lien on each cooperative parcel  
312 for any unpaid rents and assessments, plus interest, authorized  
313 administrative late fees and any reasonable costs for collection  
314 services contracted for by the association, and any authorized  
315 administrative late fees. If authorized by the cooperative  
316 documents, the lien also secures reasonable attorney ~~attorney's~~  
317 fees incurred by the association and all reasonable collection  
318 costs incident to the collection of the rents and assessments or  
319 enforcement of such lien. The lien is effective from and after  
320 recording a claim of lien in the public records in the county in  
321 which the cooperative parcel is located which states the  
322 description of the cooperative parcel, the name of the unit  
323 owner, the amount due, and the due dates. ~~The lien expires if a~~  
324 ~~claim of lien is not filed within 1 year after the date the~~  
325 ~~assessment was due, and the lien does not continue for longer~~  
326 ~~than 1 year after the claim of lien has been recorded unless,~~  
327 ~~within that time, an action to enforce the lien is commenced.~~  
328 Except as otherwise provided in this chapter, a lien may not be  
329 filed by the association against a cooperative parcel until 30

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330 days after the date on which a notice of intent to file a lien  
331 has been delivered to the owner.

332 (a) The notice must be sent to the unit owner at the  
333 address of the unit by first-class United States mail and the  
334 notice must be in substantially the following form:

335  
336 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

337  
338 Re: Unit \_\_\_\_\_ of (name of cooperative)

339  
340 The following amounts are currently due on your account to  
341 \_\_\_\_\_ Association, and must be paid within thirty (30)  
342 days after your receipt of this letter. This letter shall serve  
343 as the Association's notice of intent to record a Claim of Lien  
344 against your property after thirty (30) days from your receipt  
345 of this letter, unless you pay in full the amounts set forth  
346 below:

347		
348	Maintenance due _____ (dates)	\$ _____
349	Late fee, if applicable _____	\$ _____
350	Interest through _____ *	\$ _____
351	Certified mail charges _____	\$ _____
352	Other costs _____	\$ _____
353	_____	_____
354	<b>TOTAL OUTSTANDING</b> _____	<b>\$ _____</b>
355		



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356 \* interest accrues at the rate of \$        per day

357        1. If the most recent address of the unit owner on the  
358 records of the association is the address of the unit, the  
359 notice must be sent by ~~registered~~ or certified mail, return  
360 receipt requested, to the unit owner at the address of the unit.

361        2. If the most recent address of the unit owner on the  
362 records of the association is in the United States, but is not  
363 the address of the unit, the notice must be sent by ~~registered~~  
364 or certified mail, return receipt requested, to the unit owner  
365 at his or her most recent address.

366        3. If the most recent address of the unit owner on the  
367 records of the association is not in the United States, the  
368 notice must be sent by first-class United States mail to the  
369 unit owner at his or her most recent address.

370        (b) A notice that is sent pursuant to this subsection is  
371 deemed delivered upon mailing. A claim of lien must be executed  
372 and acknowledged by an officer or authorized agent of the  
373 association. The lien is not effective 1 year after the claim of  
374 lien was recorded unless, within that time, an action to enforce  
375 the lien is commenced. The 1-year period is automatically  
376 extended for any length of time during which the association is  
377 prevented from filing a foreclosure action by an automatic stay  
378 resulting from a bankruptcy petition filed by the parcel owner  
379 or any other person claiming an interest in the parcel. The  
380 claim of lien secures all unpaid rents and assessments that are  
381 due and that may accrue after the claim of lien is recorded and

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382 through the entry of a final judgment, as well as interest and  
383 all reasonable costs and attorney's fees incurred by the  
384 association incident to the collection process. Upon payment in  
385 full, the person making the payment is entitled to a  
386 satisfaction of the lien.

387 (c) By recording a notice in substantially the following  
388 form, a unit owner or the unit owner's agent or attorney may  
389 require the association to enforce a recorded claim of lien  
390 against his or her cooperative parcel:

391  
392 NOTICE OF CONTEST OF LIEN

393  
394 TO: ... (Name and address of association) ... You are  
395 notified that the undersigned contests the claim of lien filed  
396 by you on ...., ... (year) ..., and recorded in Official Records  
397 Book .... at Page ...., of the public records of .... County,  
398 Florida, and that the time within which you may file suit to  
399 enforce your lien is limited to 90 days from the date of service  
400 of this notice. Executed this .... day of ...., ... (year) ....  
401 Signed: ... (Owner or Attorney) ...

402  
403 After notice of contest of lien has been recorded, the clerk of  
404 the circuit court shall mail a copy of the recorded notice to  
405 the association by certified mail, return receipt requested, at  
406 the address shown in the claim of lien or most recent amendment  
407 to it and shall certify to the service on the face of the

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408 notice. Service is complete upon mailing. After service, the  
409 association has 90 days in which to file an action to enforce  
410 the lien; and, if the action is not filed within the 90-day  
411 period, the lien is void. However, the 90-day period shall be  
412 extended for any length of time during which the association is  
413 prevented from filing its action because of an automatic stay  
414 resulting from the filing of a bankruptcy petition by the unit  
415 owner or by any other person claiming an interest in the parcel.

416 (d) A release of lien must be in substantially the  
417 following form:

418

419 RELEASE OF LIEN

420

421 The undersigned lienor, in consideration of the final payment in  
422 the amount of \$...., hereby waives and releases its lien and  
423 right to claim a lien for unpaid assessments through ....,  
424 ...(year)..., recorded in the Official Records Book .... at Page  
425 ...., of the public records of .... County, Florida, for the  
426 following described real property:

427

428 THAT COOPERATIVE PARCEL WHICH INCLUDES UNIT NO. ....  
429 OF (NAME OF COOPERATIVE), A COOPERATIVE AS SET FORTH  
430 IN THE COOPERATIVE DOCUMENTS AND THE EXHIBITS ANNEXED  
431 THERE TO AND FORMING A PART THEREOF, RECORDED IN  
432 OFFICIAL RECORDS BOOK ...., PAGE ...., OF THE PUBLIC  
433 RECORDS OF .... COUNTY, FLORIDA.

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(signature of witness) (signature of authorized agent)  
Print name: \_\_\_\_\_ Print name: \_\_\_\_\_

(signature of witness)  
Print name: \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this .... day of  
....., ...(year)...., by ...(name of person making statement)....  
...(Signature of Notary Public)...  
...(Print, type, or stamp commissioned name of Notary Public)...  
Personally Known.... OR Produced.... as identification.

Section 6. Subsections (1), (3), (4), and (5) of section 720.3085, Florida Statutes, are amended to read:

720.3085 Payment for assessments; lien claims.—

(1) When authorized by the governing documents, the association has a lien on each parcel to secure the payment of assessments and other amounts provided for by this section. Except as otherwise set forth in this section, the lien is effective from and shall relate back to the date on which the original declaration of the community was recorded. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the parcel is located. This subsection does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, including the lien for unpaid assessments





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460 created in this section, a priority that, by law, the lien,  
461 mortgage, or judgment did not have before July 1, 2008.

462 (a) To be valid, a claim of lien must state the  
463 description of the parcel, the name of the record owner, the  
464 name and address of the association, the assessment amount due,  
465 and the due date. The claim of lien secures all unpaid  
466 assessments that are due and that may accrue subsequent to the  
467 recording of the claim of lien and before entry of a certificate  
468 of title, as well as interest, late charges, and reasonable  
469 collection costs and attorney ~~attorney's~~ fees incurred by the  
470 association incident to the collection process. The person  
471 making payment is entitled to a satisfaction of the lien upon  
472 payment in full.

473 (b) By recording a notice in substantially the following  
474 form, a parcel owner or the parcel owner's agent or attorney may  
475 require the association to enforce a recorded claim of lien  
476 against his or her parcel:

## NOTICE OF CONTEST OF LIEN

478 TO: ...(Name and address of association)..  
479 You are notified that the undersigned contests the claim of lien  
480 filed by you on ....., ...(year)...., and recorded in Official  
481 Records Book .... at page ....., of the public records of ....  
482 County, Florida, and that the time within which you may file  
483 suit to enforce your lien is limited to 90 days following the  
484 date of service of this notice. Executed this .... day of .....,  
485 ...(year)....

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486 Signed: ... (Owner or Attorney) ...  
487 After the notice of a contest of lien has been recorded, the  
488 clerk of the circuit court shall mail a copy of the recorded  
489 notice to the association by certified mail, return receipt  
490 requested, at the address shown in the claim of lien or the most  
491 recent amendment to it and shall certify to the service on the  
492 face of the notice. Service is complete upon mailing. After  
493 service, the association has 90 days in which to file an action  
494 to enforce the lien and, if the action is not filed within the  
495 90-day period, the lien is void. However, the 90-day period  
496 shall be extended for any length of time that the association is  
497 prevented from filing its action because of an automatic stay  
498 resulting from the filing of a bankruptcy petition by the parcel  
499 owner or by any other person claiming an interest in the parcel.

500 (c) The association may bring an action in its name to  
501 foreclose a lien for assessments in the same manner in which a  
502 mortgage of real property is foreclosed and may also bring an  
503 action to recover a money judgment for the unpaid assessments  
504 without waiving any claim of lien. The association is entitled  
505 to recover its reasonable attorney's fees incurred in an action  
506 to foreclose a lien or an action to recover a money judgment for  
507 unpaid assessments.

508 (d) A release of lien must be in substantially the  
509 following form:

510

511

RELEASE OF LIEN

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512  
 513 The undersigned lienor, in consideration of the final payment in  
 514 the amount of \$...., hereby waives and releases its lien and  
 515 right to claim a lien for unpaid assessments through ....,  
 516 ...(year)...., recorded in the Official Records Book .... at Page  
 517 ...., of the public records of .... County, Florida, for the  
 518 following described real property:

519  
 520 (PARCEL NO. .... OR LOT AND BLOCK) OF \_\_\_\_\_  
 521 SUBDIVISION AS SHOWN IN THE PLAT THEREOF, RECORDED AT  
 522 PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, OF THE OFFICIAL RECORDS  
 523 OF \_\_\_\_\_ COUNTY, FLORIDA.

524  
 525 (or insert appropriate metes and bounds description  
 526 here)

527  
 528 (signature of witness) \_\_\_\_\_ (signature of authorized agent) \_\_\_\_\_

529  
 530 (signature of witness) \_\_\_\_\_

531  
 532 Sworn to (or affirmed) and subscribed before me this .... day of  
 533 ...., ...(year)...., by ...(name of person making statement)....  
 534 ...(Signature of Notary Public)...  
 535 ...(Print, type, or stamp commissioned name of Notary Public)...  
 536 Personally Known.... OR Produced.... as identification.

537



Amendment No. 1

538        ~~(e)~~ (d) If the parcel owner remains in possession of the  
539 parcel after a foreclosure judgment has been entered, the court  
540 may require the parcel owner to pay a reasonable rent for the  
541 parcel. If the parcel is rented or leased during the pendency of  
542 the foreclosure action, the association is entitled to the  
543 appointment of a receiver to collect the rent. The expenses of  
544 the receiver must be paid by the party who does not prevail in  
545 the foreclosure action.

546        ~~(f)~~ (e) The association may purchase the parcel at the  
547 foreclosure sale and hold, lease, mortgage, or convey the  
548 parcel.

549        (3) Assessments and installments on assessments that are  
550 not paid when due bear interest from the due date until paid at  
551 the rate provided in the declaration of covenants or the bylaws  
552 of the association, which rate may not exceed the rate allowed  
553 by law. If no rate is provided in the declaration or bylaws,  
554 interest accrues at the rate of 18 percent per year.

555        (a) If the declaration or bylaws so provide, the  
556 association may also charge an administrative late fee not to  
557 exceed the greater of \$25 or 5 percent of the amount of each  
558 installment that is paid past the due date. The association may  
559 also recover from the parcel owner any reasonable charges  
560 imposed upon the association under a written contract with its  
561 management or bookkeeping company, or collection agent, incurred  
562 in connection with collecting a delinquent assessment.

563        (b) Any payment received by an association and accepted



Amendment No. 1

564 shall be applied first to any interest accrued, then to any  
565 administrative late fee, then to any costs and reasonable  
566 attorney attorney's fees incurred in collection, then to any  
567 reasonable costs for collection services contracted for by the  
568 association, and then to the delinquent assessment. This  
569 paragraph applies notwithstanding any restrictive endorsement,  
570 designation, or instruction placed on or accompanying a payment.  
571 A late fee is not subject to the provisions of chapter 687 and  
572 is not a fine.

573 (4) A homeowners' association may not file a record of  
574 lien against a parcel for unpaid assessments unless a written  
575 notice or demand for past due assessments as well as any other  
576 amounts owed to the association pursuant to its governing  
577 documents has been made by the association. The written notice  
578 or demand must:

579 (a) Provide the owner with 45 days following the date the  
580 notice is deposited in the mail to make payment for all amounts  
581 due, including, but not limited to, any attorney's fees and  
582 actual costs associated with the preparation and delivery of the  
583 written demand. The notice must be in substantially the  
584 following form:

585  
586 NOTICE OF INTENT TO RECORD A CLAIM OF LIEN

587  
588 Re: Parcel or (lot/block) \_\_\_\_\_ of (name of association)

589



Amendment No. 1

590 The following amounts are currently due on your account to  
 591 Association, and must be paid within forty-five (45)  
 592 days after your receipt of this letter. This letter shall serve  
 593 as the Association's notice of intent to record a Claim of Lien  
 594 against your property after forty-five (45) days from your  
 595 receipt of this letter, unless you pay in full the amounts set  
 596 forth below:

598	Maintenance due	(dates)	\$
599	Late fee, if applicable		\$
600	Interest through	*	\$
601	Certified mail charges		\$
602	Other costs		\$
603			
604	TOTAL OUTSTANDING		\$

606 \* interest accrues at the rate of \$ \_\_\_\_\_ per day.

607 (b) Be sent by registered or certified mail, return  
 608 receipt requested, and by first-class United States mail to the  
 609 parcel owner at his or her last address as reflected in the  
 610 records of the association, if the address is within the United  
 611 States, and to the parcel owner subject to the demand at the  
 612 address of the parcel if the owner's address as reflected in the  
 613 records of the association is not the parcel address. If the  
 614 address reflected in the records is outside the United States,  
 615 then sending the notice to that address and to the parcel



Amendment No. 1

616 address by first-class United States mail is sufficient.

617 (5) The association may bring an action in its name to  
618 foreclose a lien for unpaid assessments secured by a lien in the  
619 same manner that a mortgage of real property is foreclosed and  
620 may also bring an action to recover a money judgment for the  
621 unpaid assessments without waiving any claim of lien. The action  
622 to foreclose the lien may not be brought until 45 days after the  
623 parcel owner has been provided notice of the association's  
624 intent to foreclose and collect the unpaid amount. The notice  
625 must be given in the manner provided in paragraph (4) (b), and  
626 the notice may not be provided until the passage of the 45 days  
627 required in paragraph (4) (a). The notice must be in  
628 substantially the following form:

629  
630 DELINQUENT ASSESSMENT

631  
632 This letter is to inform you a Claim of Lien has been filed  
633 against your property because you have not paid the  
634 assessment to \_\_\_\_\_ Association. The Association intends  
635 to foreclose the lien and collect the unpaid amount within 45  
636 days of this letter being provided to you.

637  
638 You owe the interest accruing from (month/year) to the present.  
639 As of the date of this letter, the total amount due with  
640 interest is \$ \_\_\_\_\_. All costs of any action and interest from  
641 this day forward will also be charged to your account.



Amendment No. 1

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Any questions concerning this matter should be directed to (insert name, addresses and phone numbers of Association representative).

(a) The association may recover any interest, late charges, costs, and reasonable attorney's fees incurred in a lien foreclosure action or in an action to recover a money judgment for the unpaid assessments.

(b) The time limitations in this subsection do not apply if the parcel is subject to a foreclosure action or forced sale of another party, or if an owner of the parcel is a debtor in a bankruptcy proceeding.

Section 7. This act shall take effect July 1, 2014.

-----

**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to residential communities; amending s. 468.431, F.S.; revising the term "community association management"; creating s. 468.4334, F.S.; providing that a community association manager is liable to the same extent as an officer or director; amending s. 718.116, F.S.; allowing for reasonable charges to be imposed for collection of a delinquent assessment;





## Amendment No. 1

668 requiring a release of lien to be in a specific form; requiring  
669 a pre-foreclosure notice to be in a specific form; amending s.  
670 718.121, F.S.; requiring a pre-lien notice to be in a specific  
671 form; amending s. 719.108, F.S.; allowing for reasonable charges  
672 to be imposed for collection of a delinquent assessment;  
673 deleting a provision providing for the expiration of certain  
674 liens; revising notice requirements; requiring a pre-lien notice  
675 to be in a specific form; providing for the content of a  
676 recording notice; requiring a release of lien to be in a  
677 specific form; amending s. 720.3085, F.S.; requiring a release  
678 of lien to be in a specific form; allowing for reasonable  
679 charges to be imposed for collection of a delinquent assessment;  
680 requiring a pre-lien notice to be in a specific form; requiring  
681 a pre-foreclosure notice to be in a specific form; providing an  
682 effective date.

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

### HB 7085 : Security of Confidential Personal Information

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

### HB 7085 Amendments

#### Amendment 264171

Adopted Without Objection

#### Appearances:

HB 7085

Fay, Andrew (Lobbyist) (State Employee) - Waive In Support

Attorney General's Office

PL 01 Plaza

Tallahassee FL 32301

Phone: 850-245-0155

HB 7085

Padgett, Samantha (Lobbyist) - Proponent

Florida Retail Federation

227 S Adams St

Tallahassee FL 32301

Phone: 850)222-4082

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**HB 7085 : Security of Confidential Personal Information (continued)**

**Appearances: (continued)**

HB 7085

Pratt, Kenneth (Lobbyist) - Proponent

Vice President of Governmental Affairs, Florida Bankers Association

1001 Thomasville Rd, Ste 201

Tallahassee FL 32303

Phone: 850-509-8020

HB 7085

Perdue, Tammy (Lobbyist) - Waive In Support

Associated Industries of Florida

516 N. Adams St.

Tallahassee FL 32301

Phone: 850-224-7173

HB 7085

Ross, Jared (Lobbyist) - Proponent

SVP, Governmental Affairs, Florida Credit Union Association

3692 Coolidge Ct.

Tallahassee FL 32311

Phone: 850-322-6956

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



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		

*Adopted Without Objection  
4/4/14*

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

**Amendment**

Remove lines 36-246 and insert:

6 (a) "Breach of security" or "breach" means unauthorized  
 7 access of data in electronic form containing personal  
 8 information. Good faith access of personal information by an  
 9 employee or agent of the covered entity does not constitute a  
 10 breach of security, provided that the information is not used  
 11 for a purpose unrelated to the business or subject to further  
 12 unauthorized use.

13 (b) "Covered entity" means a sole proprietorship,  
 14 partnership, corporation, trust, estate, cooperative,  
 15 association, or other commercial entity that acquires,  
 16 maintains, stores, or uses personal information. For purposes of



Amendment No. 1

17 the notice requirements in subsections (3)-(6), the term  
18 includes a governmental entity.

19 (c) "Customer records" means any material, regardless of  
20 the physical form, on which personal information is recorded or  
21 preserved by any means, including, but not limited to, written  
22 or spoken words, graphically depicted, printed, or  
23 electromagnetically transmitted that are provided by an  
24 individual in this state to a covered entity for the purpose of  
25 purchasing or leasing a product or obtaining a service.

26 (d) "Data in electronic form" means any data stored  
27 electronically or digitally on any computer system or other  
28 database and includes recordable tapes and other mass storage  
29 devices.

30 (e) "Department" means the Department of Legal Affairs.

31 (f) "Governmental entity" means any department, division,  
32 bureau, commission, regional planning agency, board, district,  
33 authority, agency, or other instrumentality of this state that  
34 acquires, maintains, stores, or uses data in electronic form  
35 containing personal information.

36 (g)1. "Personal information" means either of the  
37 following:

38 a. An individual's first name or first initial and last  
39 name in combination with any one or more of the following data  
40 elements for that individual:

41 (I) A social security number.



Amendment No. 1

42 (II) A driver license or identification card number,  
43 passport number, military identification number, or other  
44 similar number issued on a government document used to verify  
45 identity.

46 (III) A financial account number or credit or debit card  
47 number, in combination with any required security code, access  
48 code, or password that is necessary to permit access to an  
49 individual's financial account.

50 (IV) Any information regarding an individual's medical  
51 history, mental or physical condition, or medical treatment or  
52 diagnosis by a health care professional; or

53 (V) An individual's health insurance policy number or  
54 subscriber identification number and any unique identifier used  
55 by a health insurer to identify the individual.

56 b. A user name or e-mail address, in combination with a  
57 password or security question and answer that would permit  
58 access to an online account.

59 2. The term does not include information about an  
60 individual that has been made publicly available by a federal,  
61 state, or local governmental entity. The term also does not  
62 include information that is encrypted, secured, or modified by  
63 any other method or technology that removes elements that  
64 personally identify an individual or that otherwise renders the  
65 information unusable.



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66 (h) "Third-party agent" means an entity that has been  
67 contracted to maintain, store, or process personal information  
68 on behalf of a covered entity or governmental entity.

69 (2) REQUIREMENTS FOR DATA SECURITY.—Each covered entity,  
70 governmental entity, or third-party agent shall take reasonable  
71 measures to protect and secure data in electronic form  
72 containing personal information.

73 (3) NOTICE TO DEPARTMENT OF SECURITY BREACH.—

74 (a) A covered entity shall provide notice to the  
75 department of any breach of security affecting 500 or more  
76 individuals in this state. Such notice must be provided to the  
77 department as expeditiously as practicable, but no later than 30  
78 days after the determination of the breach or reason to believe  
79 a breach occurred. A covered entity may receive 15 additional  
80 days to provide notice as required in subsection (4) if good  
81 cause for delay is provided in writing to the department within  
82 30 days after determination of the breach or reason to believe a  
83 breach occurred.

84 (b) The written notice to the department must include:

85 1. A synopsis of the events surrounding the breach at the  
86 time notice is provided.

87 2. The number of individuals in this state who were or  
88 potentially have been affected by the breach.

89 3. Any services related to the breach being offered or  
90 scheduled to be offered, without charge, by the covered entity  
91 to individuals, and instructions as to how to use such services.



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92 4. A copy of the notice required under subsection (4) or  
93 an explanation of the other actions taken pursuant to subsection  
94 (4).

95 5. The name, address, telephone number, and e-mail address  
96 of the employee or agent of the covered entity from whom  
97 additional information may be obtained about the breach.

98 (c) The covered entity must provide the following  
99 information to the department upon its request:

100 1. A police report, incident report, or computer forensics  
101 report.

102 2. A copy of the policies in place regarding breaches.

103 3. Steps that have been taken to rectify the breach.

104 (d) A covered entity may provide the department with  
105 supplemental information regarding a breach at any time.

106 (e) For a covered entity that is the judicial branch, the  
107 Executive Office of the Governor, the Department of Financial  
108 Services, or the Department of Agriculture and Consumer  
109 Services, in lieu of providing the written notice to the  
110 department, the covered entity may post the information  
111 described in subparagraphs (b)1.-4. on an agency-managed  
112 website.

113 (4) NOTICE TO INDIVIDUALS OF SECURITY BREACH.-

114 (a) A covered entity shall give notice to each individual  
115 in this state whose personal information was, or the covered  
116 entity reasonably believes to have been, accessed as a result of  
117 the breach. Notice to individuals shall be made as expeditiously





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118 as practicable and without unreasonable delay, taking into  
119 account the time necessary to allow the covered entity to  
120 determine the scope of the breach of security, to identify  
121 individuals affected by the breach, and to restore the  
122 reasonable integrity of the data system that was breached, but  
123 no later than 30 days after the determination of a breach or  
124 reason to believe a breach occurred unless subject to a delay  
125 authorized under paragraph (b) or waiver under paragraph (c).

126 (b) If a federal, state, or local law enforcement agency  
127 determines that notice to individuals required under this  
128 subsection would interfere with a criminal investigation, the  
129 notice shall be delayed upon the written request of the law  
130 enforcement agency for a specified period that the law  
131 enforcement agency determines is reasonably necessary. A law  
132 enforcement agency may, by a subsequent written request, revoke  
133 such delay as of a specified date or extend the period set forth  
134 in the original request made under this paragraph to a specified  
135 date if further delay is necessary.

136 (c) Notwithstanding paragraph (a), notice to the affected  
137 individuals is not required if, after an appropriate  
138 investigation and consultation with relevant federal, state, or  
139 local law enforcement agencies, the covered entity reasonably  
140 determines that the breach has not and will not likely result in  
141 identity theft or any other financial harm to the individuals  
142 whose personal information has been accessed. Such a  
143 determination must be documented in writing and maintained for



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144 at least 5 years. The covered entity shall provide the written  
145 determination to the department within 30 days after the  
146 determination.

147 (d) The notice to an affected individual shall be by one  
148 of the following methods:

149 1. Written notice sent to the mailing address of the  
150 individual in the records of the covered entity; or

151 2. E-mail notice sent to the e-mail address of the  
152 individual in the records of the covered entity.

153 (e) The notice to an individual with respect to a breach  
154 of security shall include, at a minimum:

155 1. The date, estimated date, or estimated date range of  
156 the breach of security.

157 2. A description of the personal information that was  
158 accessed or reasonably believed to have been accessed as a part  
159 of the breach of security.

160 3. Information that the individual can use to contact the  
161 covered entity to inquire about the breach of security and the  
162 personal information that the covered entity maintained about  
163 the individual.

164 (f) A covered entity required to provide notice to an  
165 individual may provide substitute notice in lieu of direct  
166 notice if such direct notice is not feasible because the cost of  
167 providing notice would exceed \$250,000, because the affected  
168 individuals exceed 500,000 persons, or because the covered  
169 entity does not have an e-mail address or mailing address for



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170 the affected individuals. Such substitute notice shall include  
171 the following:

172 1. A conspicuous notice on the Internet website of the  
173 covered entity if the covered entity maintains a website; and

174 2. Notice in print and to broadcast media, including major  
175 media in urban and rural areas where the affected individuals  
176 reside.

177 (g) Notice provided pursuant to rules, regulations,  
178 procedures, or guidelines established by the covered entity's  
179 primary or functional federal regulator is deemed to be in  
180 compliance with the notice requirement in this subsection if the  
181 covered entity notifies affected individuals in accordance with  
182 the rules, regulations, procedures, or guidelines established by  
183 the primary or functional federal regulator in the event of a  
184 breach of security. Under this paragraph, a covered entity that  
185 timely provides a copy of such notice to the department is  
186 deemed to be in compliance with the notice requirement in  
187 subsection (3).

188 (5) NOTICE TO CREDIT REPORTING AGENCIES.-If a covered  
189 entity discovers circumstances requiring notice pursuant to this  
190 section of more than 1,000 individuals at a single time, the  
191 covered entity shall also notify, without unreasonable delay,  
192 all consumer reporting agencies that compile and maintain files  
193 on consumers on a nationwide basis, as defined in the Fair  
194 Credit Reporting Act, 15 U.S.C. s. 1681a(p), of the timing,  
195 distribution, and content of the notices.



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196 (6) NOTICE BY THIRD-PARTY AGENTS; DUTIES OF THIRD-PARTY  
197 AGENTS; NOTICE BY AGENTS.—

198 (a) In the event of a breach of security of a system  
199 maintained by a third-party agent, such third-party agent shall  
200 notify the covered entity of the breach of security as  
201 expeditiously as practicable, but no later than 10 days  
202 following the determination of the breach of security or reason  
203 to believe the breach occurred. Upon receiving notice from a  
204 third-party agent, a covered entity shall provide notices  
205 required under subsections (3) and (4). A third-party agent  
206 shall provide a covered entity with all information that the  
207 covered entity needs to comply with its notice requirements.

208 (b) An agent may provide notice as required under  
209 subsections (3) and (4) on behalf of the covered entity;  
210 however, an agent's failure to provide proper notice shall be  
211 deemed a violation of this section against the covered entity.

212 (7) ANNUAL REPORT.—By February 1 of each year, the  
213 department shall submit a report to the President of the Senate  
214 and the Speaker of the House of Representatives describing the  
215 nature of any reported breaches of security by governmental  
216 entities or third-party agents of governmental entities in the  
217 preceding calendar year along with recommendations for security  
218 improvements. The report shall identify any governmental entity  
219 that has violated any of the applicable requirements in  
220 subsections (2)-(6) in the preceding calendar year.



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221       (8) REQUIREMENTS FOR DISPOSAL OF CUSTOMER RECORDS.—Each  
222 covered entity or third-party agent shall take all reasonable  
223 measures to dispose, or arrange for the disposal, of customer  
224 records containing personal information within its custody or  
225 control when the records are no longer to be retained. Such  
226 disposal shall involve shredding, erasing, or otherwise  
227 modifying the personal information in the records to make it  
228 unreadable or undecipherable through any means.

229       (9) ENFORCEMENT.—

230       (a) A violation of this section shall be treated as an  
231 unfair or deceptive trade practice in any action brought by the  
232 department under s. 501.207 against a covered entity or third-  
233 party agent.

234       (b) In addition to the remedies provided for in paragraph  
235 (a), a covered entity that violates subsection (3) or subsection  
236 (4) shall be liable for a civil penalty not to exceed \$500,000,  
237 as follows:

238       1. In the amount of \$1,000 for each day up to the first 30  
239 days following any violation of subsection (3) or subsection (4)  
240 and, thereafter, \$50,000 for each subsequent 30-day period or  
241 portion thereof for up to 180 days.

242

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

CS/HB 7087 : Pub. Rec./Notices of Data Breach and Investigations/DLA

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### CS/HB 7087 Amendments

#### Amendment 312579

Adopted Without Objection

#### Appearances:

CS/HB 7087

Fay, Andrew (Lobbyist) (State Employee) - Proponent

Office of the Attorney General

PL-01 The Capitol

Tallahassee FL

Phone: 850-245-0155

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



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	—	

*Adopted with out objection  
4/4/14*

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

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**Amendment**

Remove line 37 and insert:

customer records; however; information made confidential and  
exempt pursuant to paragraph (c) shall not be released pursuant  
to this sub-paragraph; or

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

Location: Sumner Hall (404 HOB)

HB 7161 : Arbitration

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/4/2014 9:30:00AM

**Location:** Sumner Hall (404 HOB)

**HB 7163 : Ratification of Rules/Department of Juvenile Justice**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell			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				
Daniel Raulerson	X				
Kenneth Roberson	X				
Elaine Schwartz	X				
Ross Spano	X				
Charlie Stone	X				
Dennis Baxley (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 04, 2014 2:07:59PM