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# Judiciary Committee

Thursday, April 02, 2015  
8:00 AM - 10:30 AM  
Sumner Hall (404 HOB)

**ACTION PACKET**

Steve Crisafulli  
Speaker

Charles McBurney  
Chair

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

### Summary:

#### Judiciary Committee

Thursday April 02, 2015 08:00 am

CS/HB 19	Favorable	Yeas: 12	Nays: 3
	Am 1 (716193) - Point of Order raised and amendment found not germane.		
	Amendment 477565	Withdrawn	
	Am 2		
	Amendment 677549	Withdrawn	
	Am 3		
HB 117	Favorable	Yeas: 15	Nays: 0
CS/HB 197	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 033469	Adopted Without Objection	
	Am 1		
CS/HB 201	Favorable	Yeas: 15	Nays: 0
CS/HB 235	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 138295	Adopted Without Objection	
	Am 1		
CS/CS/HB 649	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 859753	Adopted Without Objection	
	Am 1		
HB 667	Favorable	Yeas: 15	Nays: 0
HB 755	Temporarily Postponed		
CS/HB 897	Favorable	Yeas: 15	Nays: 0
CS/HB 1069	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 193009	Adopted Without Objection	
	Am 1		
CS/CS/HB 1211	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 104991	Adopted Without Objection	
	Am 1		
HB 4005	Favorable	Yeas: 12	Nays: 3

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**Summary: (continued)**

### Judiciary Committee

*Thursday April 02, 2015 08:00 am*

HB 7111	Favorable With Committee Substitute	Yeas: 11	Nays: 4
Amendment 163827	Adopted Without Objection		
Am 1			
Amendment 162063	Failed to Adopt		
Am 1a (am to am 1)			
Amendment 163811	Failed to Adopt	Yeas: 5	Nays: 10
Am 1b (am to am 1)			
PCS for CS/HB 943	Favorable	Yeas: 12	Nays: 3

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Charles McBurney (Chair)	X		
Colleen Burton	X		
Dwight Dudley	X		
Katie Edwards			X
Jay Fant	X		
Julio Gonzalez	X		
Gayle Harrell			X
Matt Hudson	X		
Dave Kerner	X		
Larry Metz	X		
Jared Moskowitz			X
Kathleen Passidomo	X		
Scott Plakon	X		
Michelle Rehwinkel Vasilinda	X		
José Rodriguez	X		
Charlie Stone	X		
Carlos Trujillo	X		
John Wood	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>3</b>

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 19 : School Safety**

*Favorable* - Am 1 (716193) - Point of Order raised and amendment found not germane.

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley		X			
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner		X			
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez		X			
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 3</b>			

**CS/HB 19 Amendments**

**Amendment 477565**

*Withdrawn*

**Amendment 677549**

*Withdrawn*

**Appearances:**

CS/HB 19  
 Pound, Greg - Information Only  
 9166 Sunrise Dr  
 Largo FL 33773

CS/HB 19  
 Andrade, Melanie - Opponent  
 2218 E. Magnolia Av. Apt. 124-A  
 Tallahassee FL 32301  
 Phone: 850-443-2165

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 19 : School Safety (continued)**

**Appearances: (continued)**

CS/HB 19

Gray, Jamecia - Waive In Opposition

305A Oglesby Union  
Tallahassee FL 32304  
Phone: 850-321-6048

CS/HB 19

Gallagher, Joe - Waive In Support

Florida Sheriff's Association  
Lieutenant-Volusia County Sheriff's Office  
123 West Indiana Avenue  
Deland FL 32721  
Phone: 386-527-1604

CS/HB 19

Pickup-Crawford, Vern (Lobbyist) - Waive In Opposition

Palm Beach School District  
Legislative Liaison  
571 Kingsbury Terrace  
Wellington FL 33414  
Phone: 561-644-2439

CS/HB 19

Pitts, Brian - Information Only

Justice-2-Jesus  
Trustee  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

CS/HB 19

Hargrove, Rebekah - Waive In Support

Student  
2427 Nugget Lane  
Tallahassee FL 32303  
Phone: 941-228-5128

CS/HB 19

Culbreath, Frank - Waive In Support

FL Students for Concealed Carry  
President  
2001 Bellevue Way  
Tallahassee FL 32304  
Phone: 941-224-4744

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 19 : School Safety (continued)**

**Appearances: (continued)**

CS/HB 19

Bushnyakova, Anita - Waive In Support

FL Students for Concealed Carry

Student-FSU

2001 Bellevue Way

Tallahassee FL 32304

Phone: 352-672-1186

CS/HB 19

Hammer, Marion P. (Lobbyist) - Waive In Support

NRA and Unified Sportsmen of Florida

P.O Box 1387

Tallahassee FL 32302

Phone: 850-222-9518

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



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 \_\_\_\_\_

4/2/15

POINT OF ORDER RAISED AND AMENDMENT FOUND NOT GERMANE

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

**Amendment (with title amendment)**

Between lines 32 and 33, insert:

6 Section 1. Sections 2 through 7 of this bill may be cited  
7 as "Gabby's Law for School Bus Stop Safety."

8 Section 2. Subsection (1) of section 316.172, Florida  
9 Statutes, is amended to read:

10 316.172 Traffic to stop for school bus.—

11 (1)(a) A ~~Any~~ person using, operating, or driving a vehicle  
12 on or over the roads or highways of this state shall, upon  
13 approaching a ~~any~~ school bus that ~~which~~ displays a stop signal,  
14 bring such vehicle to a full stop while the bus is stopped, and  
15 the vehicle may ~~shall~~ not pass the school bus until the signal  
16 has been withdrawn. Except as provided in paragraph (b), a  
17 person who violates this subsection ~~section~~ commits a moving





Amendment No. 1

18 violation, punishable as provided in chapter 318.

19 (b) A ~~Any~~ person using, operating, or driving a vehicle  
20 that passes a school bus on the side that children enter and  
21 exit when the school bus displays a stop signal commits reckless  
22 driving a moving violation, punishable as provided in s. 316.192  
23 ~~chapter 318, and is subject to a mandatory hearing under the~~  
24 ~~provisions of s. 318.19.~~

25 Section 3. Section 316.192, Florida Statutes, is amended  
26 to read:

27 316.192 Reckless driving.—

28 (1)(a) A ~~Any~~ person who drives a ~~any~~ vehicle in willful or  
29 wanton disregard for the safety of persons or property commits  
30 ~~is guilty of~~ reckless driving.

31 (b) Fleeing a law enforcement officer in a motor vehicle  
32 is reckless driving per se.

33 (2) Except as provided in subsection (3), a ~~any~~ person  
34 convicted of reckless driving shall be punished:

35 (a) Upon a first conviction, by imprisonment for ~~a period~~  
36 ~~of~~ not more than 90 days or by a fine of not less than \$25 nor  
37 more than \$500, or by both such fine and imprisonment.

38 (b) On a second or subsequent conviction, by imprisonment  
39 for not more than 6 months or by a fine of not less than \$50 nor  
40 more than \$1,000, or by both such fine and imprisonment.

41 (3) A ~~Any~~ person:

42 (a) Who is in violation of subsection (1);

43 (b) Who operates a vehicle; and



Amendment No. 1

44 (c) Who, by reason of such operation, causes:

45 1. Damage to the property or person of another commits a  
46 misdemeanor of the first degree, punishable as provided in s.  
47 775.082 or s. 775.083.

48 2. Serious bodily injury to another commits a felony of  
49 the third degree, punishable as provided in s. 775.082, s.  
50 775.083, or s. 775.084. The term "serious bodily injury" means  
51 an injury to another person, which consists of a physical  
52 condition that creates a substantial risk of death, serious  
53 personal disfigurement, or protracted loss or impairment of the  
54 function of any bodily member or organ.

55 (4) Notwithstanding any other provision of this section,  
56 \$5 shall be added to a fine imposed pursuant to this section.  
57 The clerk shall remit the \$5 to the Department of Revenue for  
58 deposit in the Emergency Medical Services Trust Fund.

59 (5) In addition to any other penalty provided under this  
60 section, if the court has reasonable cause to believe that the  
61 use of alcohol, chemical substances set forth in s. 877.111, or  
62 substances controlled under chapter 893 contributed to a  
63 violation of this section, the court shall direct the person so  
64 convicted to complete a DUI program substance abuse education  
65 course and evaluation as provided in s. 316.193(5) within a  
66 reasonable period of time specified by the court. If the DUI  
67 program conducting such course and evaluation refers the person  
68 to an authorized substance abuse treatment provider for  
69 substance abuse evaluation and treatment, the directive of the



## Amendment No. 1

70 court requiring completion of such course, evaluation, and  
71 treatment shall be enforced as provided in s. 322.245. The  
72 referral to treatment resulting from the DUI program evaluation  
73 may not be waived without a supporting independent psychosocial  
74 evaluation conducted by an authorized substance abuse treatment  
75 provider, appointed by the court, which shall have access to the  
76 DUI program psychosocial evaluation before the independent  
77 psychosocial evaluation is conducted. The court shall review the  
78 results and recommendations of both evaluations before  
79 determining the request for waiver. The offender shall bear the  
80 full cost of this procedure. If a person directed to a DUI  
81 program substance abuse education course and evaluation or  
82 referred to treatment under this subsection fails to report for  
83 or complete such course, evaluation, or treatment, the DUI  
84 program shall notify the court and the department of the  
85 failure. Upon receipt of such notice, the department shall  
86 cancel the person's driving privilege, notwithstanding the terms  
87 of the court order or any suspension or revocation of the  
88 driving privilege. The department may reinstate the driving  
89 privilege upon verification from the DUI program that the  
90 education, evaluation, and treatment are completed. The  
91 department may temporarily reinstate the driving privilege on a  
92 restricted basis upon verification that the offender is  
93 currently participating in treatment and has completed the DUI  
94 education course and evaluation requirement. If the DUI program  
95 notifies the department of the second failure to complete



Amendment No. 1

96 treatment, the department shall reinstate the driving privilege  
97 only after notice of successful completion of treatment from the  
98 DUI program.

99 (6) In addition, \$65 shall be added to a fine imposed  
100 pursuant to this section for a violation under s. 316.172(1)(b).  
101 The additional \$65 collected under this subsection shall be  
102 remitted to the Department of Revenue for deposit into the  
103 Emergency Medical Services Trust Fund of the Department of  
104 Health to be used as provided in s. 395.4036.

105 Section 4. Section 318.17, Florida Statutes, is amended to  
106 read:

107 318.17 Offenses excepted.—No provision of this chapter is  
108 available to a person who is charged with any of the following  
109 offenses:

110 (1) Fleeing or attempting to elude a police officer, in  
111 violation of s. 316.1935.~~‡~~

112 (2) Leaving the scene of a crash, in violation of ss.  
113 316.027 and 316.061.~~‡~~

114 (3) Driving, or being in actual physical control of, any  
115 vehicle while under the influence of alcoholic beverages, any  
116 chemical substance set forth in s. 877.111, or any substance  
117 controlled under chapter 893, in violation of s. 316.193, or  
118 driving with an unlawful blood-alcohol level.~~‡~~

119 (4) Reckless driving under s. 316.172(1)(b) or,~~in~~  
120 ~~violation of~~ s. 316.192.~~‡~~

121 (5) Making false crash reports, in violation of s.



Amendment No. 1

122 316.067.~~7~~

123 (6) Willfully failing or refusing to comply with any  
124 lawful order or direction of any police officer or member of the  
125 fire department, in violation of s. 316.072(3).~~7~~

126 (7) Obstructing an officer, in violation of s.  
127 316.545(1).~~7~~ ~~or~~

128 (8) Any other offense in chapter 316 which is classified  
129 as a criminal violation.

130 Section 5. Subsection (5) of section 318.18, Florida  
131 Statutes, is amended to read:

132 318.18 Amount of penalties.--The penalties required for a  
133 noncriminal disposition pursuant to s. 318.14 or a criminal  
134 offense listed in s. 318.17 are as follows:

135 (5) (a) Two hundred fifty ~~One hundred~~ dollars for a  
136 violation of s. 316.172(1)(a), failure to stop for a school bus.  
137 If, at a hearing, the alleged offender is found to have  
138 committed this offense, the court shall impose a minimum civil  
139 penalty of \$250 ~~\$100~~. In addition to this penalty, for a second  
140 or subsequent offense within ~~a period of~~ 5 years, the department  
141 shall suspend the driver license of the person for not less than  
142 6 months ~~90 days~~ and not more than 1 year ~~6 months~~.

143 ~~(b) Two hundred dollars for a violation of s.~~  
144 ~~316.172(1)(b), passing a school bus on the side that children~~  
145 ~~enter and exit when the school bus displays a stop signal. If,~~  
146 ~~at a hearing, the alleged offender is found to have committed~~  
147 ~~this offense, the court shall impose a minimum civil penalty of~~



Amendment No. 1

148 ~~\$200. In addition to this penalty, for a second or subsequent~~  
149 ~~offense within a period of 5 years, the department shall suspend~~  
150 ~~the driver license of the person for not less than 180 days and~~  
151 ~~not more than 1 year.~~

152 ~~(b)(c)~~ In addition to the penalty under paragraph (a) ~~or~~  
153 ~~paragraph (b)~~, \$65 for a violation of s. 316.172(1)(a) ~~or (b)~~.  
154 If the alleged offender is found to have committed the offense,  
155 the court shall impose the civil penalty under paragraph (a) ~~or~~  
156 ~~paragraph (b)~~ plus an additional \$65. The additional \$65  
157 collected under this paragraph shall be remitted to the  
158 Department of Revenue for deposit into the Emergency Medical  
159 Services Trust Fund of the Department of Health to be used as  
160 provided in s. 395.4036.

161 Section 6. Subsection (21) of section 318.21, Florida  
162 Statutes, is amended to read:

163 318.21 Disposition of civil penalties by county courts.—  
164 All civil penalties received by a county court pursuant to the  
165 provisions of this chapter shall be distributed and paid monthly  
166 as follows:

167 (21) Notwithstanding subsections (1) and (2), the proceeds  
168 from the additional penalties imposed pursuant to s.  
169 318.18(5)(b) ~~s. 318.18(5)(c)~~ and (20) shall be distributed as  
170 provided in that section.

171 Section 7. Paragraph (b) of subsection (1) of section  
172 395.4036, Florida Statutes, is amended to read:

173 395.4036 Trauma payments.—



## Amendment No. 1

174 (1) Recognizing the Legislature's stated intent to provide  
175 financial support to the current verified trauma centers and to  
176 provide incentives for the establishment of additional trauma  
177 centers as part of a system of state-sponsored trauma centers,  
178 the department shall utilize funds collected under s. 318.18 and  
179 deposited into the Emergency Medical Services Trust Fund of the  
180 department to ensure the availability and accessibility of  
181 trauma services throughout the state as provided in this  
182 subsection.

183 (b) Funds collected under ss. 316.192(6) and 318.18(5)(b)  
184 ~~s. 318.18(5)(c)~~ and (20) shall be distributed as follows:

185 1. Thirty percent of the total funds collected shall be  
186 distributed to Level II trauma centers operated by a public  
187 hospital governed by an elected board of directors as of  
188 December 31, 2008.

189 2. Thirty-five percent of the total funds collected shall  
190 be distributed to verified trauma centers based on trauma  
191 caseload volume for the most recent calendar year available. The  
192 determination of caseload volume for distribution of funds under  
193 this subparagraph shall be based on the department's Trauma  
194 Registry data.

195 3. Thirty-five percent of the total funds collected shall  
196 be distributed to verified trauma centers based on severity of  
197 trauma patients for the most recent calendar year available. The  
198 determination of severity for distribution of funds under this  
199 subparagraph shall be based on the department's International



Amendment No. 1

200 Classification Injury Severity Scores or another statistically  
201 valid and scientifically accepted method of stratifying a trauma  
202 patient's severity of injury, risk of mortality, and resource  
203 consumption as adopted by the department by rule, weighted based  
204 on the costs associated with and incurred by the trauma center  
205 in treating trauma patients. The weighting of scores shall be  
206 established by the department by rule.

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**T I T L E   A M E N D M E N T**

211

Remove line 2 and insert:

212 An act relating to school safety; amending ss. 316.172, 316.192,  
213 and 318.18, F.S.; revising penalties for failure to stop a  
214 vehicle upon approaching a school bus that displays a stop  
215 signal; providing for criminal penalties under certain  
216 circumstances; amending ss. 318.17, 318.21, and 395.4036, F.S.,  
217 relating to application of specified provisions, disposition of  
218 penalty amounts received, and trauma payments; conforming  
219 provisions to changes made by the act; providing





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       

Y WITHDRAWN  
4/2/15

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Rodríguez, J. offered the following:

**Amendment**

Remove lines 74-135 and insert:

is a school district employee who is licensed to carry a  
concealed weapon or firearm pursuant to s. 790.06, who receives  
additional compensation by the district for serving as a school  
safety designee commensurate with the costs of security services  
the district would otherwise contract for and who is:

1. A military veteran who was honorably discharged and who  
has not been found to have committed a firearms-related  
disciplinary infraction during his or her service;

2. An active duty member of the military, the National  
Guard, or military reserves who has not been found to have  
committed a firearms-related disciplinary infraction during his  
or her service; or



Amendment No. 2

18       3. An active law enforcement officer in good standing or a  
19 law enforcement officer who retired or terminated employment in  
20 good standing and did not retire or terminate employment during  
21 the course of an internal affairs investigation.

22       (b) A school safety designee authorized to carry a  
23 concealed weapon or firearm on school property under this  
24 subsection may only carry such weapon or firearm in a concealed  
25 manner. The weapon or firearm must be carried on the school  
26 safety designee's person at all times while the school safety  
27 designee is performing his or her official school duties under  
28 this program.

29       (c) A school board that approves the use of a school  
30 safety designee shall develop policies consistent with this  
31 section to incorporate in its overall school safety plan. A  
32 school principal may recommend school safety designees to the  
33 school superintendent under this subsection. The school  
34 superintendent may designate individuals to serve as school  
35 safety designees who agree to accept the designation. If a  
36 superintendent designates one or more individuals pursuant to  
37 this section, the school district shall coordinate with each  
38 local law enforcement agency that may potentially respond to an  
39 emergency at a school in which a school safety designee is  
40 employed to develop best practices and to allow the responding  
41 law enforcement agency to easily identify a school safety  
42 designee in a case of emergency. In the case of an emergency, a  
43 school safety designee shall be under the direction of the



Amendment No. 2

44 assigned school resource officer, if any. Upon the arrival of  
45 the local responding law enforcement agency, the school safety  
46 designee shall be under the direction of the responding law  
47 enforcement agency.

48 (d) Each school safety designee must submit to the school  
49 superintendent proof of completion of a school safety program.  
50 The school safety program shall be created and defined by the  
51 Criminal Justice Standards and Training Commission and may  
52 include, but is not limited to, active shooter training, firearm  
53 proficiency, school resource officer training, crisis  
54 intervention training, weapons retention training, and  
55 continuing education and training. The school safety program  
56 shall be developed and created by January 1, 2016. The school  
57 safety program shall be administered by criminal justice  
58 training centers operated by the State of Florida. Each state-  
59 operated criminal justice training center that administers the  
60 school safety program must certify and provide proof of  
61 completion of the program in a manner prescribed by the Criminal  
62 Justice Standards and Training Commission.

63 (e) School property at which a school safety designee may  
64 carry a concealed weapon or firearm under this subsection may be  
65 indicated with signage that reads: "Authorized Armed Defense  
66 Present and Permitted."

67 (f) Subsection (4) does not apply to school safety  
68 designees working at the school to which



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED        (Y/N)

ADOPTED AS AMENDED        (Y/N)

ADOPTED W/O OBJECTION        (Y/N)

FAILED TO ADOPT        (Y/N)

WITHDRAWN   ✓   (Y/N) **WITHDRAWN 4/2/15**

OTHER       

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Rodríguez, J. offered the following:

**Amendment (with title amendment)**

Remove lines 300-307 and insert:

6 (7) SAFETY IN CONSTRUCTION AND PLANNING.-A district school  
7 board or governing board must allow local law enforcement  
8 agencies that are first responders to the schools to tour the  
9 school campuses at least once every 3 years. Any changes related  
10 to school safety and emergency issues recommended by a law  
11 enforcement agency based on a campus tour must be documented by  
12 the district school board or governing board.

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

Remove line 21 and insert:

boards allow campus tours by local

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 117 : False Personation

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 117

Tolley, James (Lobbyist) - Waive In Support

Florida Professional Firefighters

345 W Madison St

Tallahassee FL 32301

Phone: 850-224-7333

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

### CS/HB 197 : Tracking Devices or Tracking Applications

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
	<b>Total Yeas: 15</b>	<b>Total Nays: 0</b>			

### CS/HB 197 Amendments

#### Amendment 033469

Adopted Without Objection

### Appearances:

CS/HB 197

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>  y  </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER		

*Adopted w/out objection  
4/2/15*

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

**Amendment (with title amendment)**

5 Remove lines 68-72 and insert:

6 (d) A person acting in good faith on behalf of a business  
7 entity for a legitimate business purpose. This paragraph does  
8 not apply to a person engaged in private investigation, as  
9 defined in s. 493.6101, on behalf of another person unless such  
10 activities would otherwise be exempt under this subsection if  
11 performed by the person engaging the private investigator.

12 (e) An owner or lessee of a motor vehicle that installs,  
13 or directs the installation of, a tracking device or tracking  
14 application on such vehicle during the period of ownership or  
15 lease, provided that:



Amendment No. 1

16       1. The tracking device or tracking application is removed  
17 before the vehicle's title is transferred or the vehicle's lease  
18 expires;

19       2. The new owner of the vehicle, in the case of a sale, or  
20 the lessor of the vehicle, in the case of an expired lease,  
21 consents in writing to the nonremoval of the tracking device or  
22 tracking application; or

23       3. The owner of the vehicle at the time of the  
24 installation of the tracking device or tracking application was  
25 the original manufacturer of the vehicle.

26       (5) A person who violates this section commits a  
27 misdemeanor of the second degree, punishable as provided in s.  
28 775.082 or s. 775.083.

29       Section 2. Paragraph (y) is added to subsection (1) of  
30 section 493.6118, Florida Statutes, to read:

31       493.6118 Grounds for disciplinary action.—

32       (1) The following constitute grounds for which  
33 disciplinary action specified in subsection (2) may be taken by  
34 the department against any licensee, agency, or applicant  
35 regulated by this chapter, or any unlicensed person engaged in  
36 activities regulated under this chapter.

37       (y) Installation of a tracking device or tracking  
38 application in violation of s. 934.425.

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





Amendment No. 1

42       Between lines 8 and 9, insert:  
43       amending s. 493.6118, F.S.; providing that violations  
44       of the prohibition on installation of tracking devices  
45       and tracking applications by private investigative,  
46       private security, and repossession services are  
47       grounds for disciplinary action, to which penalties  
48       apply;

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 201 : Diabetes Awareness Training for Law Enforcement Officers

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
	<b>Total Yeas: 15</b>	<b>Total Nays: 0</b>			

### Appearances:

CS/HB 201

Young, Lena - Waive In Support

3406 N Avon Avenue  
Tampa Florida 33603  
Phone: 813-407-2376

CS/HB 201

Bradford, Gary (Lobbyist) - Waive In Support

Florida Police Benevolent Association, Inc  
Government Relations  
300 E Brevard Street  
Tallahassee FL 32301  
Phone: 800-733-3722

CS/HB 201

Pitts, Brian - Waive In Support

Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 201 : Diabetes Awareness Training for Law Enforcement Officers (continued)**

**Appearances: (continued)**

CS/HB 201

Dietrich, Eric - Waive In Support

Captain, Volusia County Sheriff's Office

951 Singleton Drive

Deland FL 32119

Phone: 386-804-8537

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

### CS/HB 235 : Restitution for Juvenile Offenses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### CS/HB 235 Amendments

#### Amendment 138295

Adopted Without Objection

### Appearances:

CS/HB 235

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/HB 235

Wylie, James (Lobbyist) - Waive In Support

Florida Association of Christian Child Caring Agencies

5359 Pembroke Place

Tallahassee Florida 32309

Phone: 850-567-1705

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 235 : Restitution for Juvenile Offenses (continued)**

**Appearances: (continued)**

CS/HB 235

Padgett, Samantha (Lobbyist) - Waive In Support

Florida Retail Federation

General Counsel

227 S Adams St

Tallahassee FL 32301

Phone: 850)222-4082

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



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 w/out  
objection 4/2/15*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Eagle offered the following:

3

4 **Amendment**

5 Remove lines 93-94 and insert:

6 Department of Children and Families, or a facility licensed or  
7 registered under ss. 409.175 or 409.176 is not considered a  
8 guardian responsible for

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 649 : Surveillance by a Drone

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
	<b>Total Yeas: 15</b>	<b>Total Nays: 0</b>			

### CS/CS/HB 649 Amendments

#### Amendment 859753

Adopted Without Objection

#### Appearances:

CS/CS/HB 649

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



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 w/out objection 4/2/15*

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

**Amendment (with title amendment)**

5 Remove lines 54-106 and insert:  
 6 game, or controlled substance laws.

7 (e) "Surveillance" means:

8 1. With respect to an owner, tenant, occupant, invitee, or  
 9 licensee of privately owned real property, to observe, with  
 10 visual clarity that is sufficient to be able to obtain  
 11 information about, the identity, habits, conduct, movements, or  
 12 whereabouts of such person or persons; or

13 2. With respect to privately owned real property, to  
 14 observe, with visual clarity that is sufficient to be able to  
 15 obtain information about, the property's physical improvements,  
 16 unique identifying features, or occupancy by one or more  
 17 persons.





Amendment No. 1

18 (3) PROHIBITED USE OF DRONES.—

19 (a) A law enforcement agency may not use a drone to gather  
20 evidence or other information.

21 (b) A person, a state agency, or a political subdivision  
22 as defined in s. 11.45 may not use a drone equipped with an  
23 imaging device to record an image of privately owned real  
24 property or of the owner, tenant, occupant, invitee, or licensee  
25 of such property with the intent to conduct surveillance on the  
26 individual or property captured in the image in violation of  
27 such person's reasonable expectation of privacy without his or  
28 her written consent. For purposes of this section, a person is  
29 presumed to have a reasonable expectation of privacy on his or  
30 her privately owned real property if he or she is not observable  
31 by persons located at ground level in a place where they have a  
32 legal right to be, regardless of whether he or she is observable  
33 from the air with the use of a drone. This paragraph is not  
34 intended to limit or restrict the application of federal law to  
35 the use of drones.

36 (4) EXCEPTIONS.—This section ~~act~~ does not prohibit the use  
37 of a drone:

38 (a) To counter a high risk of a terrorist attack by a  
39 specific individual or organization if the United States  
40 Secretary of Homeland Security determines that credible  
41 intelligence indicates that there is such a risk.

42 (b) If the law enforcement agency first obtains a search  
43 warrant signed by a judge authorizing the use of a drone.



Amendment No. 1

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

50 (d) By a person or an entity engaged in a business or  
51 profession licensed by the state, or by an agent, employee, or  
52 contractor thereof, if the drone is used only to perform  
53 reasonable tasks within the scope of practice or activities  
54 permitted under such person's or entity's license. However, this  
55 exception does not apply to a profession in which the licensee's  
56 authorized scope of practice includes obtaining information  
57 about the identity, habits, conduct, movements, whereabouts,  
58 affiliations, associations, transactions, reputation, or  
59 character of any society, person, or group of persons.

60 (e) By an employee or a contractor of a property appraiser  
61 who uses a drone solely for the purpose of assessing property  
62 for ad valorem taxation.

63 (f) To capture images by or for an electric, water, or  
64 natural gas utility:

65 1. For operations and maintenance of utility facilities,  
66 including facilities used in the generation, transmission, or  
67 distribution of electricity, gas, or water, for the purpose of  
68 maintaining utility system reliability and integrity;



Amendment No. 1

69        2. For inspecting utility facilities, including pipelines,  
70 to determine construction, repair, maintenance, or replacement  
71 needs before, during, and after construction of such facilities;

72        3. For assessing vegetation growth for the purpose of  
73 maintaining clearances on utility rights-of-way;

74        4. For utility routing, siting, and permitting for the  
75 purpose of constructing utility facilities or providing utility  
76 service; or

77        5. For conducting environmental monitoring, as provided by  
78 federal, state, or local law, rule, or permit.

79        (5) REMEDIES FOR VIOLATION.—

80        (a) An aggrieved party may initiate a civil action against  
81 a law enforcement agency to obtain all appropriate relief in  
82 order to prevent or remedy a violation of this section act.

83        (b) The owner, tenant, occupant, invitee, or licensee of  
84 privately owned real property may initiate a civil

85  
86 -----  
87                    **T I T L E   A M E N D M E N T**

88        Remove lines 5-17 and insert:

89 drone to capture an image of privately owned real property or of  
90 the owner, tenant, occupant, invitee, or licensee of such  
91 property with the intent to conduct surveillance without his or  
92 her written consent if a reasonable expectation of privacy  
93 exists; specifying when a reasonable expectation of privacy may  
94 be presumed; authorizing the use of a drone by a person or an



Amendment No. 1

95 | entity engaged in a business or profession licensed by the state  
96 | in certain circumstances; providing an exception; authorizing  
97 | the use of a drone by an employee or a contractor of a property  
98 | appraiser for the purpose of assessing property for ad valorem  
99 | taxation; authorizing the use of a drone by certain utilities  
100 | for specified purposes; providing that the  
101 |

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 667 : Service of Process**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

**Appearances:**

HB 667

Holt, Honorable Julianne (State Employee) - Waive In Support  
 Florida Public Defender Association, Inc.  
 Public Defender, 13th Circuit  
 700 East Twiggs Street  
 Tampa Florida 33602  
 Phone: 813.272.5980

HB 667

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

HB 667

Gallagher, Joe - Waive In Support  
 Fl Sheriff's Association  
 Lt. -Volusion County Sheriff's Office  
 123 W. Indiana Ave  
 Deland Florida 32721  
 Phone: 386-527-1604

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 755 : Convenience Business Security**

*Temporarily Postponed*

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



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 \_\_\_\_\_

4/2/15

BILL WAS TEMPORARILY POSTPONED DURING CONSIDERATION OF THIS AMENDMENT

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

**Amendment (with title amendment)**

Between lines 93 and 94, insert:

Section 4. Subsection (10) of section 526.303, Florida Statutes, is amended to read:

526.303 Definitions.—As used in this act:

(10) "Refiner" means any person ~~who stores or exchanges motor fuel at a terminal facility in this state and who sells or transfers motor fuel through the loading rack at such terminal facility, and includes an affiliate of such refiner with respect to such affiliate's sale of motor fuel~~ engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person.



Amendment No. 1

17 Section 5. Subsection (4) is added to section 526.304,  
18 Florida Statutes, to read:

19 526.304 Predatory practices unlawful; exceptions.—

20 (4) A wholesaler or dealer may terminate, without cause  
21 and upon 30 days written notice, a franchise relationship with a  
22 refiner who, including through an affiliate or agent, engages in  
23 the sale of motor fuel at any retail outlet in the same county  
24 in which the wholesaler or dealer resells. Termination of the  
25 franchise relationship shall also result in, without limitation,  
26 termination of any restrictions on the wholesaler or dealer's  
27 motor fuel sales arising from the franchise relationship.

28 -----  
29  
30 **T I T L E A M E N D M E N T**

31 Remove line 16 and insert:  
32 curriculum; amending s. 526.303, F.S.; changing a definition;  
33 amending s. 526.304, F.S.; providing for termination of certain  
34 motor fuel agreements; providing an effective date.



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 897 : Controlled Substances

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
	<b>Total Yeas: 15</b>	<b>Total Nays: 0</b>			

### Appearances:

CS/HB 897

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/HB 897

Johnson, Rob (Lobbyist) (State Employee) - Waive In Support

Legislative Affairs Director, Office of the Attorney General

PL-01, The Capitol

Tallahassee FL 32399

Phone: 850-245-0145

CS/HB 897

Gran, Jill (Lobbyist) - Waive In Support

Florida Alcohol & Drug Abuse Association, Inc

2868 Mahan Dr

Tallahassee FL 32308

Phone: 850)878-2196

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 897 : Controlled Substances (continued)**

**Appearances: (continued)**

CS/HB 897

Youmans, Laura (Lobbyist) - Waive In Support

Florida Association of Counties

Legislative Advocate

100 N Monroe Street

Tallahassee Florida 32301

Phone: 850-294-1838

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 1069 : Defendants in Specialized Courts**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### CS/HB 1069 Amendments

#### Amendment 193009

*Adopted Without Objection*

#### Appearances:

CS/HB 1069

Naf, Sarah (Lobbyist) (State Employee) - Waive In Support

State Courts System

Director, Intergovernmental Relations

500 S Duval St

Tallahassee FL 32399

Phone: 850-922-5692

CS/HB 1069

Holt, Honorable Julianne (State Employee) - Waive In Support

Florida Public Defender Association, Inc.

Public Defender, 13th Circuit

700 East Twiggs Street

Tampa Florida 33602

Phone: 813.272.5980

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**CS/HB 1069 : Defendants in Specialized Courts (continued)**

**Appearances: (continued)**

CS/HB 1069

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/HB 1069

Youmans, Laura (Lobbyist) - Waive In Support

Florida Association of Counties

Legislative Advocate

100 N Monroe Street

Tallahassee Florida 32301

Phone: 850-294-1838

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



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 w/out objection  
4/2/15*

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

4 **Amendment**

5 Remove lines 54-55 and insert:

6 (e) ~~(d)~~ After the transfer takes place, the receiving clerk  
7 shall set the matter for a hearing before the problem-solving  
8 ~~drug~~ court in the receiving jurisdiction

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 1211 : Community Associations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner	X				
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez	X				
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### CS/CS/HB 1211 Amendments

#### Amendment 104991

Adopted Without Objection

### Appearances:

CS/CS/HB 1211

Moore, Travis (Lobbyist) - Waive In Support  
Community Associations Institute  
PO Box 2020  
St. Petersburg FL 33731  
Phone: 727-421-6902

CS/CS/1211

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

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Adopted w/out  
objection  
4/2/15*

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

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (d) of subsection (2) of section  
 7 718.112, Florida Statutes, is amended to read:

8 718.112 Bylaws.—

9 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
 10 following and, if they do not do so, shall be deemed to include  
 11 the following:

12 (d) Unit owner meetings.—

13 1. An annual meeting of the unit owners shall be held at  
 14 the location provided in the association bylaws and, if the  
 15 bylaws are silent as to the location, the meeting shall be held  
 16 within 45 miles of the condominium property. However, such



Amendment No. 1

17 distance requirement does not apply to an association governing  
18 a timeshare condominium.

19 2. Unless the bylaws provide otherwise, a vacancy on the  
20 board caused by the expiration of a director's term shall be  
21 filled by electing a new board member, and the election must be  
22 by secret ballot. An election is not required if the number of  
23 vacancies equals or exceeds the number of candidates. For  
24 purposes of this paragraph, the term "candidate" means an  
25 eligible person who has timely submitted the written notice, as  
26 described in sub-subparagraph 4.a., of his or her intention to  
27 become a candidate. Except in a timeshare or nonresidential  
28 condominium, or if the staggered term of a board member does not  
29 expire until a later annual meeting, or if all members' terms  
30 would otherwise expire but there are no candidates, the terms of  
31 all board members expire at the annual meeting, and such members  
32 may stand for reelection unless prohibited by the bylaws. If the  
33 bylaws or articles of incorporation permit terms of no more than  
34 2 years, the association board members may serve 2-year terms.  
35 If the number of board members whose terms expire at the annual  
36 meeting equals or exceeds the number of candidates, the  
37 candidates become members of the board effective upon the  
38 adjournment of the annual meeting. Unless the bylaws provide  
39 otherwise, any remaining vacancies shall be filled by the  
40 affirmative vote of the majority of the directors making up the  
41 newly constituted board even if the directors constitute less  
42 than a quorum or there is only one director. In a residential

104991 - h1211 - strike.docx

Published On: 4/1/2015 7:16:11 PM





Amendment No. 1

43 condominium association of more than 10 units or in a  
44 residential condominium association that does not include  
45 timeshare units or timeshare interests, coowners of a unit may  
46 not serve as members of the board of directors at the same time  
47 unless they own more than one unit or unless there are not  
48 enough eligible candidates to fill the vacancies on the board at  
49 the time of the vacancy. A unit owner in a residential  
50 condominium desiring to be a candidate for board membership must  
51 comply with sub-subparagraph 4.a. and must be eligible to be a  
52 candidate to serve on the board of directors at the time of the  
53 deadline for submitting a notice of intent to run in order to  
54 have his or her name listed as a proper candidate on the ballot  
55 or to serve on the board. A person who has been suspended or  
56 removed by the division under this chapter, or who is delinquent  
57 in the payment of any monetary obligation due to the  
58 association, is not eligible to be a candidate for board  
59 membership and may not be listed on the ballot. A person who has  
60 been convicted of any felony in this state or in a United States  
61 District or Territorial Court, or who has been convicted of any  
62 offense in another jurisdiction which would be considered a  
63 felony if committed in this state, is not eligible for board  
64 membership unless such felon's civil rights have been restored  
65 for at least 5 years as of the date such person seeks election  
66 to the board. The validity of an action by the board is not  
67 affected if it is later determined that a board member is  
68 ineligible for board membership due to having been convicted of

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69 a felony. This subparagraph does not limit the term of a member  
70 of the board of a nonresidential condominium.

71 3. The bylaws must provide the method of calling meetings  
72 of unit owners, including annual meetings. Written notice must  
73 include an agenda, must be mailed, hand delivered, or  
74 electronically transmitted to each unit owner at least 14 days  
75 before the annual meeting, and must be posted in a conspicuous  
76 place on the condominium property at least 14 continuous days  
77 before the annual meeting. Upon notice to the unit owners, the  
78 board shall, by duly adopted rule, designate a specific location  
79 on the condominium property or association property where all  
80 notices of unit owner meetings shall be posted. This requirement  
81 does not apply if there is no condominium property or  
82 association property for posting notices. In lieu of, or in  
83 addition to, the physical posting of meeting notices, the  
84 association may, by reasonable rule, adopt a procedure for  
85 conspicuously posting and repeatedly broadcasting the notice and  
86 the agenda on a closed-circuit cable television system serving  
87 the condominium association. However, if broadcast notice is  
88 used in lieu of a notice posted physically on the condominium  
89 property, the notice and agenda must be broadcast at least four  
90 times every broadcast hour of each day that a posted notice is  
91 otherwise required under this section. If broadcast notice is  
92 provided, the notice and agenda must be broadcast in a manner  
93 and for a sufficient continuous length of time so as to allow an  
94 average reader to observe the notice and read and comprehend the



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95 entire content of the notice and the agenda. Unless a unit owner  
96 waives in writing the right to receive notice of the annual  
97 meeting, such notice must be hand delivered, mailed, or  
98 electronically transmitted to each unit owner. Notice for  
99 meetings and notice for all other purposes must be mailed to  
100 each unit owner at the address last furnished to the association  
101 by the unit owner, or hand delivered to each unit owner.  
102 However, if a unit is owned by more than one person, the  
103 association must provide notice to the address that the  
104 developer identifies for that purpose and thereafter as one or  
105 more of the owners of the unit advise the association in  
106 writing, or if no address is given or the owners of the unit do  
107 not agree, to the address provided on the deed of record. An  
108 officer of the association, or the manager or other person  
109 providing notice of the association meeting, must provide an  
110 affidavit or United States Postal Service certificate of  
111 mailing, to be included in the official records of the  
112 association affirming that the notice was mailed or hand  
113 delivered in accordance with this provision.

114 4. The members of the board of a residential condominium  
115 shall be elected by written ballot or voting machine. Proxies  
116 may not be used in electing the board in general elections or  
117 elections to fill vacancies caused by recall, resignation, or  
118 otherwise, unless otherwise provided in this chapter. This  
119 subparagraph does not apply to an association governing a  
120 timeshare condominium.

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121 a. At least 60 days before a scheduled election, the  
122 association shall mail, deliver, or electronically transmit, by  
123 separate association mailing or included in another association  
124 mailing, delivery, or transmission, including regularly  
125 published newsletters, to each unit owner entitled to a vote, a  
126 first notice of the date of the election. A unit owner or other  
127 eligible person desiring to be a candidate for the board must  
128 give written notice of his or her intent to be a candidate to  
129 the association at least 40 days before a scheduled election.  
130 Together with the written notice and agenda as set forth in  
131 subparagraph 3., the association shall mail, deliver, or  
132 electronically transmit a second notice of the election to all  
133 unit owners entitled to vote, together with a ballot that lists  
134 all candidates. Upon request of a candidate, an information  
135 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
136 furnished by the candidate at least 35 days before the election,  
137 must be included with the mailing, delivery, or transmission of  
138 the ballot, with the costs of mailing, delivery, or electronic  
139 transmission and copying to be borne by the association. The  
140 association is not liable for the contents of the information  
141 sheets prepared by the candidates. In order to reduce costs, the  
142 association may print or duplicate the information sheets on  
143 both sides of the paper. The division shall by rule establish  
144 voting procedures consistent with this sub-subparagraph,  
145 including rules establishing procedures for giving notice by  
146 electronic transmission and rules providing for the secrecy of



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147 ballots. Elections shall be decided by a plurality of ballots  
148 cast. There is no quorum requirement; however, at least 20  
149 percent of the eligible voters must cast a ballot in order to  
150 have a valid election. A unit owner may not permit any other  
151 person to vote his or her ballot, and any ballots improperly  
152 cast are invalid. A unit owner who violates this provision may  
153 be fined by the association in accordance with s. 718.303. A  
154 unit owner who needs assistance in casting the ballot for the  
155 reasons stated in s. 101.051 may obtain such assistance. The  
156 regular election must occur on the date of the annual meeting.  
157 Notwithstanding this sub-subparagraph, an election is not  
158 required unless more candidates file notices of intent to run or  
159 are nominated than board vacancies exist.

160       b. Within 90 days after being elected or appointed to the  
161 board of an association of a residential condominium, each newly  
162 elected or appointed director shall certify in writing to the  
163 secretary of the association that he or she has read the  
164 association's declaration of condominium, articles of  
165 incorporation, bylaws, and current written policies; that he or  
166 she will work to uphold such documents and policies to the best  
167 of his or her ability; and that he or she will faithfully  
168 discharge his or her fiduciary responsibility to the  
169 association's members. In lieu of this written certification,  
170 within 90 days after being elected or appointed to the board,  
171 the newly elected or appointed director may submit a certificate  
172 of having satisfactorily completed the educational curriculum



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173 administered by a division-approved condominium education  
174 provider within 1 year before or 90 days after the date of  
175 election or appointment. The written certification or  
176 educational certificate is valid and does not have to be  
177 resubmitted as long as the director serves on the board without  
178 interruption. A director of an association of a residential  
179 condominium who fails to timely file the written certification  
180 or educational certificate is suspended from service on the  
181 board until he or she complies with this sub-subparagraph. The  
182 board may temporarily fill the vacancy during the period of  
183 suspension. The secretary shall cause the association to retain  
184 a director's written certification or educational certificate  
185 for inspection by the members for 5 years after a director's  
186 election or the duration of the director's uninterrupted tenure,  
187 whichever is longer. Failure to have such written certification  
188 or educational certificate on file does not affect the validity  
189 of any board action.

190 c. Any challenge to the election process must be commenced  
191 within 60 days after the election results are announced.

192 5. Any approval by unit owners called for by this chapter  
193 or the applicable declaration or bylaws, including, but not  
194 limited to, the approval requirement in s. 718.111(8), must be  
195 made at a duly noticed meeting of unit owners and is subject to  
196 all requirements of this chapter or the applicable condominium  
197 documents relating to unit owner decisionmaking, except that  
198 unit owners may take action by written agreement, without



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199 meetings, on matters for which action by written agreement  
200 without meetings is expressly allowed by the applicable bylaws  
201 or declaration or any law that provides for such action.

202         6. Unit owners may waive notice of specific meetings if  
203 allowed by the applicable bylaws or declaration or any law. ~~If~~  
204 ~~authorized by the bylaws,~~ Notice of meetings of the board of  
205 administration, unit owner meetings, except unit owner meetings  
206 called to recall board members under paragraph (j), and  
207 committee meetings may be given by electronic transmission to  
208 unit owners who consent to receive notice by electronic  
209 transmission.

210         7. Unit owners have the right to participate in meetings  
211 of unit owners with reference to all designated agenda items.  
212 However, the association may adopt reasonable rules governing  
213 the frequency, duration, and manner of unit owner participation.

214         8. A unit owner may tape record or videotape a meeting of  
215 the unit owners subject to reasonable rules adopted by the  
216 division.

217         9. Unless otherwise provided in the bylaws, any vacancy  
218 occurring on the board before the expiration of a term may be  
219 filled by the affirmative vote of the majority of the remaining  
220 directors, even if the remaining directors constitute less than  
221 a quorum, or by the sole remaining director. In the alternative,  
222 a board may hold an election to fill the vacancy, in which case  
223 the election procedures must conform to sub-subparagraph 4.a.  
224 unless the association governs 10 units or fewer and has opted



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225 out of the statutory election process, in which case the bylaws  
226 of the association control. Unless otherwise provided in the  
227 bylaws, a board member appointed or elected under this section  
228 shall fill the vacancy for the unexpired term of the seat being  
229 filled. Filling vacancies created by recall is governed by  
230 paragraph (j) and rules adopted by the division.

231 10. This chapter does not limit the use of general or  
232 limited proxies, require the use of general or limited proxies,  
233 or require the use of a written ballot or voting machine for any  
234 agenda item or election at any meeting of a timeshare  
235 condominium association or nonresidential condominium  
236 association.

237  
238 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
239 association of 10 or fewer units may, by affirmative vote of a  
240 majority of the total voting interests, provide for different  
241 voting and election procedures in its bylaws, which may be by a  
242 proxy specifically delineating the different voting and election  
243 procedures. The different voting and election procedures may  
244 provide for elections to be conducted by limited or general  
245 proxy.

246 Section 2. Section 718.128, Florida Statutes, is created  
247 to read:

248 718.128 Electronic voting.—The association may conduct  
249 elections and other unit owner votes through an internet-based





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250 online voting system if a unit owner consents, in writing, to  
251 online voting and if the following requirements are met:

252 (1) The association provides each unit owner with:

253 (a) A method to authenticate the unit owner's identity to  
254 the online voting system.

255 (b) For elections of the board, a method to transmit an  
256 electronic ballot to the online voting system that ensures the  
257 secrecy and integrity of each ballot.

258 (c) A method to confirm, at least 14 days before the  
259 voting deadline, that the unit owner's electronic device can  
260 successfully communicate with the online voting system.

261 (2) The association uses an online voting system that is:

262 (a) Able to authenticate the unit owner's identity.

263 (b) Able to authenticate the validity of each electronic  
264 vote to ensure that the vote is not altered in transit.

265 (c) Able to transmit a receipt from the online voting  
266 system to each unit owner who casts an electronic vote.

267 (d) For elections of the board of administration, able to  
268 permanently separate any authentication or identifying  
269 information from the electronic election ballot, rendering it  
270 impossible to tie an election ballot to a specific unit owner.

271 (e) Able to store and keep electronic votes accessible to  
272 election officials for recount, inspection, and review purposes.

273 (3) A unit owner voting electronically pursuant to this  
274 section shall be counted as being in attendance at the meeting  
275 for purposes of determining a quorum. No other substantive vote



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276 of the unit owners may be taken on any issue other than the  
277 issues specifically identified in the electronic vote, when a  
278 quorum is established based on unit owners voting electronically  
279 pursuant to this section.

280 (4) This section applies to an association that provides  
281 for and authorizes an online voting system pursuant to this  
282 section by a board resolution. A board resolution regarding  
283 online voting must provide that unit owners receive notice of  
284 the opportunity to vote through an online voting system, must  
285 establish reasonable procedures and deadlines for unit owners to  
286 consent, in writing, to online voting, and must establish  
287 reasonable procedures and deadlines for unit owners to opt-out  
288 of online voting after giving consent. Written notice of a  
289 meeting at which a board resolution regarding online voting will  
290 be considered must be mailed, delivered, or electronically  
291 transmitted to the unit owners and posted conspicuously on the  
292 condominium property or association property at least 14 days  
293 before the meeting. Evidence of compliance with this 14-day  
294 notice requirement must be made by an affidavit executed by the  
295 person providing the notice and filed with the official records  
296 of the association.

297 (5) A unit owner's consent to online voting is valid until  
298 the unit owner opts-out of online voting according to the  
299 procedures established by the board of administration pursuant  
300 to paragraph (4).



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301       (6) This section may apply to any matter that requires a  
302 vote of the unit owners.

303       Section 3. Paragraph (d) of subsection (1) of section  
304 719.106, Florida Statutes, is amended to read:

305       719.106 Bylaws; cooperative ownership.—

306       (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
307 documents shall provide for the following, and if they do not,  
308 they shall be deemed to include the following:

309       (d) Shareholder meetings.—There shall be an annual meeting  
310 of the shareholders. All members of the board of administration  
311 shall be elected at the annual meeting unless the bylaws provide  
312 for staggered election terms or for their election at another  
313 meeting. Any unit owner desiring to be a candidate for board  
314 membership must comply with subparagraph 1. The bylaws must  
315 provide the method for calling meetings, including annual  
316 meetings. Written notice, which must incorporate an  
317 identification of agenda items, shall be given to each unit  
318 owner at least 14 days before the annual meeting and posted in a  
319 conspicuous place on the cooperative property at least 14  
320 continuous days preceding the annual meeting. Upon notice to the  
321 unit owners, the board must by duly adopted rule designate a  
322 specific location on the cooperative property upon which all  
323 notice of unit owner meetings are posted. In lieu of or in  
324 addition to the physical posting of the meeting notice, the  
325 association may, by reasonable rule, adopt a procedure for  
326 conspicuously posting and repeatedly broadcasting the notice and

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327 the agenda on a closed-circuit cable television system serving  
328 the cooperative association. However, if broadcast notice is  
329 used in lieu of a posted notice, the notice and agenda must be  
330 broadcast at least four times every broadcast hour of each day  
331 that a posted notice is otherwise required under this section.  
332 If broadcast notice is provided, the notice and agenda must be  
333 broadcast in a manner and for a sufficient continuous length of  
334 time to allow an average reader to observe the notice and read  
335 and comprehend the entire content of the notice and the agenda.  
336 Unless a unit owner waives in writing the right to receive  
337 notice of the annual meeting, the notice of the annual meeting  
338 must be sent by mail, hand delivered, or electronically  
339 transmitted to each unit owner. An officer of the association  
340 must provide an affidavit or United States Postal Service  
341 certificate of mailing, to be included in the official records  
342 of the association, affirming that notices of the association  
343 meeting were mailed, hand delivered, or electronically  
344 transmitted, in accordance with this provision, to each unit  
345 owner at the address last furnished to the association.

346 1. The board of administration shall be elected by written  
347 ballot or voting machine. A proxy may not be used in electing  
348 the board of administration in general elections or elections to  
349 fill vacancies caused by recall, resignation, or otherwise  
350 unless otherwise provided in this chapter.

351 a. At least 60 days before a scheduled election, the  
352 association shall mail, deliver, or transmit, whether by



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353 separate association mailing, delivery, or electronic  
354 transmission or included in another association mailing,  
355 delivery, or electronic transmission, including regularly  
356 published newsletters, to each unit owner entitled to vote, a  
357 first notice of the date of the election. Any unit owner or  
358 other eligible person desiring to be a candidate for the board  
359 of administration must give written notice to the association at  
360 least 40 days before a scheduled election. Together with the  
361 written notice and agenda as set forth in this section, the  
362 association shall mail, deliver, or electronically transmit a  
363 second notice of election to all unit owners entitled to vote,  
364 together with a ballot that lists all candidates. Upon request  
365 of a candidate, the association shall include an information  
366 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
367 furnished by the candidate at least 35 days before the election,  
368 to be included with the mailing, delivery, or electronic  
369 transmission of the ballot, with the costs of mailing, delivery,  
370 or transmission and copying to be borne by the association. The  
371 association is not liable for the contents of the information  
372 sheets provided by the candidates. In order to reduce costs, the  
373 association may print or duplicate the information sheets on  
374 both sides of the paper. The division shall by rule establish  
375 voting procedures consistent with this subparagraph, including  
376 rules establishing procedures for giving notice by electronic  
377 transmission and rules providing for the secrecy of ballots.  
378 Elections shall be decided by a plurality of those ballots cast.

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379 There is no quorum requirement. However, at least 20 percent of  
380 the eligible voters must cast a ballot in order to have a valid  
381 election. A unit owner may not permit any other person to vote  
382 his or her ballot, and any such ballots improperly cast are  
383 invalid. A unit owner who needs assistance in casting the ballot  
384 for the reasons stated in s. 101.051 may obtain assistance in  
385 casting the ballot. Any unit owner violating this provision may  
386 be fined by the association in accordance with s. 719.303. The  
387 regular election must occur on the date of the annual meeting.  
388 This subparagraph does not apply to timeshare cooperatives.  
389 Notwithstanding this subparagraph, an election and balloting are  
390 not required unless more candidates file a notice of intent to  
391 run or are nominated than vacancies exist on the board. Any  
392 challenge to the election process must be commenced within 60  
393 days after the election results are announced.

394       b. Within 90 days after being elected or appointed to the  
395 board, each new director shall certify in writing to the  
396 secretary of the association that he or she has read the  
397 association's bylaws, articles of incorporation, proprietary  
398 lease, and current written policies; that he or she will work to  
399 uphold such documents and policies to the best of his or her  
400 ability; and that he or she will faithfully discharge his or her  
401 fiduciary responsibility to the association's members. Within 90  
402 days after being elected or appointed to the board, in lieu of  
403 this written certification, the newly elected or appointed  
404 director may submit a certificate of having satisfactorily



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405 completed the educational curriculum administered by an  
406 education provider as approved by the division pursuant to the  
407 requirements established in chapter 718 within 1 year before or  
408 90 days after the date of election or appointment. The  
409 educational certificate is valid and does not have to be  
410 resubmitted as long as the director serves on the board without  
411 interruption. A director who fails to timely file the written  
412 certification or educational certificate is suspended from  
413 service on the board until he or she complies with this sub-  
414 subparagraph. The board may temporarily fill the vacancy during  
415 the period of suspension. The secretary of the association shall  
416 cause the association to retain a director's written  
417 certification or educational certificate for inspection by the  
418 members for 5 years after a director's election or the duration  
419 of the director's uninterrupted tenure, whichever is longer.  
420 Failure to have such written certification or educational  
421 certificate on file does not affect the validity of any board  
422 action.

423 2. Any approval by unit owners called for by this chapter,  
424 or the applicable cooperative documents, must be made at a duly  
425 noticed meeting of unit owners and is subject to this chapter or  
426 the applicable cooperative documents relating to unit owner  
427 decisionmaking, except that unit owners may take action by  
428 written agreement, without meetings, on matters for which action  
429 by written agreement without meetings is expressly allowed by



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430 the applicable cooperative documents or law which provides for  
431 the unit owner action.

432 3. Unit owners may waive notice of specific meetings if  
433 allowed by the applicable cooperative documents or law. ~~If~~  
434 ~~authorized by the bylaws,~~ Notice of meetings of the board of  
435 administration, shareholder meetings, except shareholder  
436 meetings called to recall board members under paragraph (f), and  
437 committee meetings may be given by electronic transmission to  
438 unit owners who consent to receive notice by electronic  
439 transmission.

440 4. Unit owners have the right to participate in meetings  
441 of unit owners with reference to all designated agenda items.  
442 However, the association may adopt reasonable rules governing  
443 the frequency, duration, and manner of unit owner participation.

444 5. Any unit owner may tape record or videotape meetings of  
445 the unit owners subject to reasonable rules adopted by the  
446 division.

447 6. Unless otherwise provided in the bylaws, a vacancy  
448 occurring on the board before the expiration of a term may be  
449 filled by the affirmative vote of the majority of the remaining  
450 directors, even if the remaining directors constitute less than  
451 a quorum, or by the sole remaining director. In the alternative,  
452 a board may hold an election to fill the vacancy, in which case  
453 the election procedures must conform to the requirements of  
454 subparagraph 1. unless the association has opted out of the  
455 statutory election process, in which case the bylaws of the





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456 association control. Unless otherwise provided in the bylaws, a  
457 board member appointed or elected under this subparagraph shall  
458 fill the vacancy for the unexpired term of the seat being  
459 filled. Filling vacancies created by recall is governed by  
460 paragraph (f) and rules adopted by the division.

461  
462 Notwithstanding subparagraphs (b)2. and (d)1., an association  
463 may, by the affirmative vote of a majority of the total voting  
464 interests, provide for a different voting and election procedure  
465 in its bylaws, which vote may be by a proxy specifically  
466 delineating the different voting and election procedures. The  
467 different voting and election procedures may provide for  
468 elections to be conducted by limited or general proxy.

469 Section 4. Section 719.129, Florida Statutes, is created  
470 to read:

471 719.129 Electronic voting.—The association may conduct  
472 elections and other unit owner votes through an internet-based  
473 online voting system if a unit owner consents, in writing, to  
474 online voting and if the following requirements are met:

475 (1) The association provides each unit owner with:

476 (a) A method to authenticate the unit owner's identity to  
477 the online voting system.

478 (b) For elections of the board, a method to transmit an  
479 electronic ballot to the online voting system that ensures the  
480 secrecy and integrity of each ballot.

481 (c) A method to confirm, at least 14 days before the



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482 voting deadline, that the unit owner's electronic device can  
483 successfully communicate with the online voting system.

484 (2) The association uses an online voting system that is:

485 (a) Able to authenticate the unit owner's identity.

486 (b) Able to authenticate the validity of each electronic  
487 vote to ensure that the vote is not altered in transit.

488 (c) Able to transmit a receipt from the online voting  
489 system to each unit owner who casts an electronic vote.

490 (d) For elections of the board of administration, able to  
491 permanently separate any authentication or identifying  
492 information from the electronic election ballot, rendering it  
493 impossible to tie an election ballot to a specific unit owner.

494 (e) Able to store and keep electronic votes accessible to  
495 election officials for recount, inspection, and review purposes.

496 (3) A unit owner voting electronically pursuant to this  
497 section shall be counted as being in attendance at the meeting  
498 for purposes of determining a quorum. No other substantive vote  
499 of the unit owners may be taken on any issue other than the  
500 issues specifically identified in the electronic vote, when a  
501 quorum is established based on unit owners voting electronically  
502 pursuant to this section.

503 (4) This section applies to an association that provides  
504 for and authorizes an online voting system pursuant to this  
505 section by a board resolution. A board resolution regarding  
506 online voting must provide that unit owners receive notice of  
507 the opportunity to vote through an online voting system, must



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508 establish reasonable procedures and deadlines for unit owners to  
509 consent, in writing, to online voting, and must establish  
510 reasonable procedures and deadlines for unit owners to opt-out  
511 of online voting after giving consent. Written notice of a  
512 meeting at which a board resolution regarding online voting will  
513 be considered must be mailed, delivered, or electronically  
514 transmitted to the unit owners and posted conspicuously on the  
515 condominium property or association property at least 14 days  
516 before the meeting. Evidence of compliance with this 14-day  
517 notice requirement must be made by an affidavit executed by the  
518 person providing the notice and filed with the official records  
519 of the association.

520 (5) A unit owner's consent to online voting is valid until  
521 the unit owner opts-out of online voting pursuant to the  
522 procedures established by the board of administration pursuant  
523 to paragraph (4).

524 (6) This section may apply to any matter that requires a  
525 vote of the unit owners.

526 Section 5. Paragraph (c) of subsection (2) of section  
527 720.303, Florida Statutes, is amended to read:

528 720.303 Association powers and duties; meetings of board;  
529 official records; budgets; financial reporting; association  
530 funds; recalls.-

531 (2) BOARD MEETINGS.-



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532 (c) The bylaws shall provide for giving notice to parcel  
533 owners and members of all board meetings and, if they do not do  
534 so, shall be deemed to provide the following:

535 1. Notices of all board meetings must be posted in a  
536 conspicuous place in the community at least 48 hours in advance  
537 of a meeting, except in an emergency. In the alternative, if  
538 notice is not posted in a conspicuous place in the community,  
539 notice of each board meeting must be mailed or delivered to each  
540 member at least 7 days before the meeting, except in an  
541 emergency. Notwithstanding this general notice requirement, for  
542 communities with more than 100 members, the bylaws may provide  
543 for a reasonable alternative to posting or mailing of notice for  
544 each board meeting, including publication of notice, provision  
545 of a schedule of board meetings, or the conspicuous posting and  
546 repeated broadcasting of the notice on a closed-circuit cable  
547 television system serving the homeowners' association. However,  
548 if broadcast notice is used in lieu of a notice posted  
549 physically in the community, the notice must be broadcast at  
550 least four times every broadcast hour of each day that a posted  
551 notice is otherwise required. When broadcast notice is provided,  
552 the notice and agenda must be broadcast in a manner and for a  
553 sufficient continuous length of time so as to allow an average  
554 reader to observe the notice and read and comprehend the entire  
555 content of the notice and the agenda. The association bylaws ~~or~~  
556 ~~amended bylaws~~ may provide for giving notice by electronic  
557 transmission in a manner authorized by law for meetings of the



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558 board of directors, committee meetings requiring notice under  
559 this section, and annual and special meetings of the members;  
560 however, a member must consent in writing to receiving notice by  
561 electronic transmission.

562 2. An assessment may not be levied at a board meeting  
563 unless the notice of the meeting includes a statement that  
564 assessments will be considered and the nature of the  
565 assessments. Written notice of any meeting at which special  
566 assessments will be considered or at which amendments to rules  
567 regarding parcel use will be considered must be mailed,  
568 delivered, or electronically transmitted to the members and  
569 parcel owners and posted conspicuously on the property or  
570 broadcast on closed-circuit cable television not less than 14  
571 days before the meeting.

572 3. Directors may not vote by proxy or by secret ballot at  
573 board meetings, except that secret ballots may be used in the  
574 election of officers. This subsection also applies to the  
575 meetings of any committee or other similar body, when a final  
576 decision will be made regarding the expenditure of association  
577 funds, and to any body vested with the power to approve or  
578 disapprove architectural decisions with respect to a specific  
579 parcel of residential property owned by a member of the  
580 community.

581 Section 6. Section 720.317, Florida Statutes, is created  
582 to read:



Amendment No. 1

583       720.317 Electronic voting.—The association may conduct  
584 elections and other membership votes through an internet-based  
585 online voting system if a member consents, in writing, to online  
586 voting and if the following requirements are met:

587       (1) The association provides each member with:

588       (a) A method to authenticate the member's identity to the  
589 online voting system.

590       (b) A method to confirm, at least 14 days before the  
591 voting deadline, that the member's electronic device can  
592 successfully communicate with the online voting system.

593       (c) A method that is consistent with the election and  
594 voting procedures in the association's bylaws.

595       (2) The association uses an online voting system that is:

596       (a) Able to authenticate the member's identity.

597       (b) Able to authenticate the validity of each electronic  
598 vote to ensure that the vote is not altered in transit.

599       (c) Able to transmit a receipt from the online voting  
600 system to each member who casts an electronic vote.

601       (d) Able to permanently separate any authentication or  
602 identifying information from the electronic election ballot,  
603 rendering it impossible to tie an election ballot to a specific  
604 member. This paragraph only applies if the association's bylaws  
605 provide for secret ballots for the election of directors.

606       (e) Able to store and keep electronic ballots accessible  
607 to election officials for recount, inspection, and review  
608 purposes.



Amendment No. 1

609       (3) A member voting electronically pursuant to this  
610 section shall be counted as being in attendance at the meeting  
611 for purposes of determining a quorum. No other substantive vote  
612 of the membership may be taken on any issue other than the  
613 issues specifically identified in the electronic vote, when a  
614 quorum is established based on members voting electronically  
615 pursuant to this section.

616       (4) This section applies to an association that provides  
617 for and authorizes an online voting system pursuant to this  
618 section by a board resolution. A board resolution regarding  
619 online voting must provide that members receive notice of the  
620 opportunity to vote through an online voting system, must  
621 establish reasonable procedures and deadlines for members to  
622 consent, in writing, to online voting, and must establish  
623 reasonable procedures and deadlines for members to opt-out of  
624 online voting after giving consent. Written notice of a meeting  
625 at which a board resolution regarding online voting will be  
626 considered must be mailed, delivered, or electronically  
627 transmitted to the unit owners and posted conspicuously on the  
628 condominium property or association property at least 14 days  
629 before the meeting. Evidence of compliance with this 14-day  
630 notice requirement must be made by an affidavit executed by the  
631 person providing the notice and filed with the official records  
632 of the association.

633       (5) A member's consent to online voting is valid until the  
634 member opts-out of online voting pursuant to the procedures



Amendment No. 1

635 established by the board of administration pursuant to paragraph  
636 (4).

637 (6) This section may apply to any matter that requires a  
638 vote of the members.

639 Section 7. This act shall take effect July 1, 2015.  
640

641 -----

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

643 Remove everything before the enacting clause and insert:  
644 An act relating to community associations; amending ss. 718.112,  
645 719.106, and 720.303, F.S.; deleting the limitation on  
646 condominium, cooperative, and homeowners' associations providing  
647 electronic notice of certain meetings only when authorized by  
648 the association's bylaws; creating ss. 718.128, 719.129, and  
649 720.317, F.S.; authorizing condominium, cooperative, and  
650 homeowners' associations to conduct votes of the membership by  
651 online voting under certain conditions; providing that a member  
652 voting electronically is counted toward the determination of a  
653 quorum; providing applicability; providing an effective date.



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 4005 : Licenses to Carry Concealed Weapons or Firearms**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Colleen Burton	X				
Dwight Dudley		X			
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner		X			
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez		X			
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 3</b>			

**Appearances:**

HB 4005

Hammer, Marion P. (Lobbyist) - Proponent  
 NRA and Unified Sportsmen of Florida  
 P.O Box 1387  
 Tallahassee FL 32302  
 Phone: 850-222-9518

HB 4005

Ogletree, Marshall (Lobbyist) - Opponent  
 United Faculty of Florida  
 Interim Executive Director  
 306 East Park Avenue  
 Tallahassee FL 32301  
 Phone: 850-224-8220

HB 4005

Bushnyakova, Anita - Proponent  
 Student-FSU  
 2001 Bellevue Way  
 Tallahassee FL 32304  
 Phone: 352-672-1186

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 4005 : Licenses to Carry Concealed Weapons or Firearms (continued)**

**Appearances: (continued)**

HB 4005

Culbreath, Erek - Proponent  
FL Students for Concealed Carry  
President  
2001 Bellevue Way  
Tallahassee FL 32304  
Phone: 941-224-4744

HB 4005

Hamby, Kaitlyn - Opponent  
13706 Longs Landing Drive West  
Jacksonville FL 32225  
Phone: 904-993-4655

HB 4005

Landgraf, Steven - Waive In Support  
Students for Concealed Carry at FSU  
Research Assistant/Graduate Student  
2104 Mulberry Blvd.  
Tallahassee FL 32303  
Phone: 608-438-7908

HB 4005

Henry, Paul (Lobbyist) - Proponent  
Liberty First Network  
P. O. Box 698  
Monticello FL 32345  
Phone: 850-629-9550

HB 4005

Friday, Eric (Lobbyist) - Proponent  
Fletcher & Phillips  
541 E Monroe St  
Jacksonville FL 32202  
Phone: 904-353-7733

HB 4005

Downey, Stephen - Opponent  
132 Ferndale Drive  
Tallahassee FL 32301  
Phone: 615-972-0306

HB 4005

Ciereszko, Ana (Lobbyist) - Opponent  
United Faculty of Miami Dade College  
Legislative Director  
11420 N Kendall Dr Ste 107  
Miami FL 33176  
Phone: 305-321-0016

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 4005 : Licenses to Carry Concealed Weapons or Firearms (continued)**

**Appearances: (continued)**

HB 4005

Hargrove, Rebekah (General Public) - Proponent

Students for Concealed Carry at FSU

President

2427 Nugget Lane

Tallahassee FL 32303

Phone: 941-228-5128

HB 4005

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 4005

Rogers, Nancy - Opponent

Assoc. Professor

2069 Wildridge Drive

Tallahassee FL 32303

Phone: 850-562-2733

HB 4005

Buchler, Michael - Opponent

Assoc. Professor

2069 Wildridge Drive

Tallahassee FL 32303

Phone: 850-562-2733

HB 4005

Proffitt, Jennifer Dr. - Opponent

UFF-FSU

President

307 Chestnut Drive

Tallahassee FL 32301

Phone: 850-597-9615

HB 4005

Elpern, Jacob - Waive In Opposition

Florida Coalition to Keep Guns Off Campus

Director

A305C Ogelbsy Union

Tallahassee FL 32313

Phone: 561-537-1310

HB 4005

Fiam, Rebekka - Waive In Opposition

Florida State University

1641 Atkamire Drive

Tallahassee FL 32304

Phone: 954-210-2504

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 4005 : Licenses to Carry Concealed Weapons or Firearms (continued)**

**Appearances: (continued)**

HB 4005

Gray, Jamecia - Opponent

Student Coalition Against Guns on Campus/Black Students @ PWI's  
205A Oglesby Union  
Tallahassee FL 32304  
Phone: 850-321-6048

HB 4005

Andrade, Melanie (General Public) - Opponent

2218 E. Magnolia Circle Apt. 124-A  
Tallahassee FL 32301  
Phone: 850-443-2165

HB 4005

Datz, Amy (General Public) - Waive In Opposition

National Council of Jewish Women and Mother of College Student  
1130 Crestview Ave.  
Tallahassee FL 32303  
Phone: (850) 322-7599

HB 4005

Lata, Matthew (State Employee) - Opponent

UFF  
Professor  
Florida State University  
Tallahassee FL 32309  
Phone: 850-644-0408

HB 4005

Rumberger, Debbie (Lobbyist) - Opponent

Florida League of Women Voters  
Legislative Liaison  
540 Beverly Court  
Tallahassee FL 32301  
Phone: 850-224-2545

HB 4005

Pound, Greg - Proponent

9166 Sunrise Dr  
Largo FL 33773

HB 4005

Barrios, Cathy - Waive In Opposition

FSU League of Women Voters  
Board Officer  
1950 North Point Blvd. #610  
Tallahassee FL 32308  
Phone: 561-512-1052

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 4005 : Licenses to Carry Concealed Weapons or Firearms (continued)**

**Appearances: (continued)**

HB 4005

Terrell, Ryan - Opponent

1001 Ocala Road, Apt. 330

Tallahassee FL 32304

Phone: 954-242-2531

HB 4005

Brawer, Michael (Lobbyist) - Opponent

Association of Florida Colleges

CEO

113 E College Ave

Tallahassee FL 32301

Phone: 850)222-3222

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# House Judiciary Committee

April 2nd, 2015 at 8:00am

## House Bill 4005

Licenses to Carry Concealed Weapons or Firearms; Deleting a provision prohibiting concealed carry licensees from openly carrying a handgun or carrying a concealed weapon or firearm into a college or university facility, etc.

The following individuals are unable to attend, but waive in support of HB 4005 in absentia:

#	NAME	UNIVERSITY	YEAR IN SCHOOL	E-MAIL
1	Kelly Sicheri	UF/ FSU Law/ UCF	Graduate	ksicheri@gmail.com
2	Matteo Marchetti	University of Miami School of Law	2L	mmarchetti@law.miami.edu
3	Joshua Hargrove	Stetson University	Alumnus	jhargrov@stetson.edu
4	Ceylon Hargrove	FSU	Alumnus	hargrovelaw@embarqmail.com
5	Daniella Carucci	UM	graduate student	d.carucci@umiami.edu
6	Carolina Carucci	UM	Alumna	cici.carucci@gmail.com
7	Priscilla Macias	UM	Graduate student	p.macias@umiami.edu
8	Alayn Govea	UM	Medical student	agovea@med.miami.edu
9	Timothy Hsiao	FSU	Graduate Student	tsh11@my.fsu.edu
10	Chris Smiley	University of Central Florida	Sophomore	smiley.114@knights.ucf.edu
11	Wesley Chambers	University of Central Florida	2nd Year Grad. Student	chambers@knights.ucf.edu
12	Matthew Pick	HCC	Sophomore	
13	Jeffrey Price	UCF	Junior	Jmprice2012@knight.ucf.edu
14	Bernard Brandt	Tallahassee	2nd Year	bernard.brandt29@gmail.com

Waive in Support in Absentia - HB 4005

		Community College		
15	Olivia S. Owen	University of Central Florida	Junior	oschmidbauer@knights.ucf.edu
16	Matthew T. Owen	University of Central Florida	Senior	matthew.owen@knights.ucf.edu
17	Keith Wasielewski	UCF	Junior	kwasielewski@knights.ucf.edu
18	Michael Garro	UCF	Freshman	mgarro385@knights.ucf.edu
19	Brandon Woolf	UF	Junior	brandonwoolf@ufl.edu
20	Michael Fravert	FSU	Senior	msf11b@my.fsu.edu
21	Joshua Roe	UF	PhD Candidate	roeja@ufl.edu
22	Elizabeth Haynes-Roe	UF	Employee	elizabethroe@ufl.edu
23	Robert Adams	Keiser University, Broward College	2nd Year	puffyou@bellsouth.net
24	Tyler Persons	Valencia College	Junior	tpersons@mail.valenciacollege.edu
25	Zachary Carpenter	Valencia College	Freshman	Zcarushl@gmail.com
26	Conner Schofill	University of Florida	Senior	conner.schofill@ufl.edu
27	Christopher M Wren	FSU/PC	Senior	cmw13f@my.fsu.edu
28	Brant Hargrove	FSU	Alumnus	hargrovelaw@embarqmail.com
29	Minh Bui	USF St. Pete	Junior	mbui3@mail.usf.edu
30	Carlos Gomez	USF St. Pete	Junior	gomez1@mail.usf.edu
31	Michael Sipes	USF St. Pete	Junior	sipes@mail.usf.edu
32	Donald Skelton Jr.	USF Tampa	Senior	skeltond@mail.usf.edu
33	Lap Nguyen	UCF	Grad Student	big_lappie@yahoo.com
34	Gilles Peters	Broward College	2nd Year	gillespeters@me.com
35	Clifford Ferry	UF	Senior	c.ferry@ufl.edu
36	Carter Liufau	UF	Senior	cliufau@ufl.edu

37	Lucas Fitzer	USF Tampa	Junior	lfitzer@mail.usf.edu
38	Eric Tyler Owen	UCF	Senior	eric.ty.owen@gmail.com
39	William Salvato	UF	Alumnus	bsalvato@ufl.edu
40	Valerie Villar	FSU	Parent	mstrpiece92@msn.com
41	Jon Tortorici	FSU	Freshman	jtt14b@my.fsu.edu
42	Austin Gasiorek	FSU	Freshman	ag13ax@my.fsu.edu
43	Will Carell	FSU	Freshman	wrc14b@my.fsu.edu
44	David Moore	UF	Alumnus	w.david.moore827@gmail.com
45	Brittany Gilbert	UF College of Veterinary Medicine	Second Year	bgilbert@ufl.edu
46	Elina Kurkurina	UF	Senior	elinakurkurina@ufl.edu
47	Katie Desmond	FSU	Junior	klb14j@my.fsu.edu
48	Carter Ullman	UF	Senior	c.ullman@ufl.edu
49	Ian Gasiorek	UM	Senior	i.gasiorek@umiami.edu
50	Jon Payson	FSU	Graduate Student	—
51	Chad Adams	FSU	Junior	cea12b@my.fsu.edu
52	Johnathan Paugh	UF	Senior	chillcat34433@yahoo.com
53	Kyle Eggert	FSU	Sophomore	kae13b@my.fsu.edu
54	Gabriel Mondry	UF	Sophomore	refmondry@ufl.edu
55	Phillip Kreth	FSU	Graduate Student	pak04@my.fsu.edu
56	Donald Black	USF	Graduate Student	dblack@mail.usf.edu
57	Scott Urueta	UCF	Junior	ecca@knights.ucf.edu
58	C'Zar Bernstein	University of Oxford (formerly FSU)	Graduate Student	czar.bernstein@philosophy.ox. ac.uk
59				



# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 7111 : Conscience Protection for Private Child-Placing Agencies**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley		X			
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner		X			
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda		X			
José Rodríguez		X			
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 4</b>			

**HB 7111 Amendments**

**Amendment 163827**

*Adopted Without Objection*

**Amendment 162063**

*Failed to Adopt*

**Amendment 163811**

*Failed to Adopt*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton		X			
Dwight Dudley	X				
Katie Edwards			X		
Jay Fant		X			
Julio Gonzalez		X			
Gayle Harrell			X		
Matt Hudson		X			

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 7111 : Conscience Protection for Private Child-Placing Agencies (continued)

### HB 7111 Amendments (continued)

Dave Kerner	X	
Larry Metz		X
Jared Moskowitz		X
Kathleen Passidomo		X
Scott Plakon		X
Michelle Rehwinkel Vasilinda	X	
José Rodríguez	X	
Charlie Stone		X
Carlos Trujillo		X
John Wood	X	
Charles McBurney (Chair)		X
<b>Total Yeas: 5</b>		<b>Total Nays: 10</b>

### Appearances:

HB 7111

Osborne, Randy (Lobbyist) - Information Only

Florida Eagle Forum

Director of Education

4203 NW Hwy 225

Ocala FL 34482

Phone: (352) 572-7598

HB 7111

Stemberger, John (Lobbyist) - Information Only

Florida Family Action

President, General Counsel

4853 S Orange Ave

Orlando FL 32806

HB 7111

Siegrist, Jessica - Information Only

1730 Murray Ave.

Clearwater FL 33755

Phone: 727-831-9737

HB 7111

Akin, Jim (General Public) - Opponent

National Association of Social Workers - FL

Executive Director

1931 Dellwood Dr.

Tallahassee FL 32303

Phone: 850-224-2400

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 7111 : Conscience Protection for Private Child-Placing Agencies (continued)**

**Appearances: (continued)**

HB 7111

Williams, Amanda - Opponent

7215 NW 127 Place

Alachua FL 32615

Phone: 352-214-6300

HB 7111

Richardson, Michelle (Lobbyist) - Opponent

ACLU of Florida

Director of Public Policy

4500 Biscayne Blvd.

Miami FL 33137

Phone: 786-363-2700

HB 7111

Haag, Jerry - Proponent

Florida Baptists Children's Home

President

1015 Sikes Blvd.

Lakeland FL 33815

Phone: 863-687-8811

HB 7111

Olsen, Pam - Proponent

FL Faith-Based Community-Based Advisory Council

Legislative Workgroup Leader

P.O. Box 14017

Tallahassee FL 32317

Phone: 850-906-9170

HB 7111

Sheedy, Michael (Lobbyist) - Waive In Support

Florida Conference of Catholic Bishops

Executive Director

201 W Park Ave.

Tallahassee FL 32301

Phone: (850) 222-3803

HB 7111

Smith, Carlos Guillermo (Lobbyist) - Opponent

Equality Florida

2237 Stonington Ave.

Orlando FL 32817

Phone: (404) 934-4944

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 7111 : Conscience Protection for Private Child-Placing Agencies (continued)**

### Appearances: (continued)

HB 7111

Bunkley, Bill (Lobbyist) - Proponent

Florida Ethics and Religion Liberty Commission, Inc.

President`

P.O Box 341644

Tampa FL 33694

Phone: (813) 264-2977

HB 7111

Datz, Amy (General Public) - Opponent

National Council of Jewish Women

Legislative Liaison

1130 Crestview Ave.

Tallahassee FL 32303

Phone: (850) 322-7599

HB 7111

Brogan-Kator, Denise - Opponent

Family Equality Council

Senior Legislative Counsel

11209 Kelleher Ct.

New Port Richey Fl 34654

Phone: 727-201-2592

HB 7111

Gill, Nathaniel - Opponent

Family Diversity Inc.

Age 10, Adopted by Martin Gill

2809 Trebark Drive

Tallahassee FL 32312

Phone: 305-725-7293

HB 7111

Nurse, Daniel - Opponent

5538 Pedrick Plantation Circle

Tallahassee FL 32317

Phone: 850-509-3863

HB 7111

Rosenberg, Heather - Opponent

22 Shoemaker Ct

Crawfordville FL 32327

Phone: 850-322-5425

HB 7111

Fisher, Diane - Opponent

Gentle Shepherd Metropolitan Community Church

Rev. Elder

149 SE Villas Ct. Unit B

Tallahassee FL 32303

Phone: 617-448-2396

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**HB 7111 : Conscience Protection for Private Child-Placing Agencies (continued)**

**Appearances: (continued)**

HB 7111

Garcia-Vera, Gabriel - Opponent

National Latina Institute for Reproductive Health

FL Latina Advocacy Network Field Coordinator

550 NE 94 Street

Miami Shores FL 33138

Phone: (786) 664-8310

HB 7111

DeVane, Barbara (Lobbyist) - Opponent

Florida National Organization for Women, Inc

625 E. Brevard St.

Tallahassee FL 32308

Phone: 850-222-3969

HB 7111

Madera, PhD, Melissa - Waive In Opposition

The Abortion Diary

Founder & Director

1263 NW 123 Ave.

Pembroke Pines FL 33026

Phone: 646-300-0702

HB 7111

Aiarcon, Dian - Waive In Opposition

National Latina Institute for Reproductive Health

FL Field Coordinator

8330 Biscayne Blvd. Suite 1

Miami FL 33138

Phone: 786-571-7973

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM



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 w/out objection 4/2/15*

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

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
6 Section 1. Subsection (18) is added to section 409.175,  
7 Florida Statutes, to read:

8 409.175 Licensure of family foster homes, residential  
9 child-caring agencies, and child-placing agencies; public  
10 records exemption.—

11 (18)(a) A private child-placing agency is not required to  
12 perform, assist in, recommend, consent to, or participate in the  
13 placement of a child or to facilitate the licensure of a family  
14 foster home when the proposed placement or licensure would  
15 violate the agency's written religious or moral convictions or  
16 policies.



Amendment No. 1

17        (b) The department may not deny an application for, deny a  
18 renewal of, or revoke a license of a private child-placing  
19 agency, or that of a family foster home or residential child-  
20 caring agency affiliated with a private child-placing agency,  
21 because of the refusal of the private child-placing agency to  
22 perform, assist in, recommend, consent to, or participate in the  
23 placement of a child or to facilitate the licensure of a family  
24 foster home which violates the agency's written religious or  
25 moral convictions or policies.

26        (c) The state or a local government or community-based  
27 care lead agency may not withhold a grant, contract, or  
28 participation in a government program from a licensed private  
29 child-placing agency, or from a family foster home or  
30 residential child-caring agency affiliated with a private child-  
31 placing agency, because of the refusal of the private child-  
32 placing agency to perform, assist in, recommend, consent to, or  
33 participate in the placement of a child or to facilitate the  
34 licensure of a family foster home which violates the agency's  
35 written religious or moral convictions or policies.

36        (d) Refusal of a private child-placing agency to perform,  
37 assist in, recommend, consent to, or participate in the  
38 placement of a child or to facilitate the licensure of a family  
39 foster home which violates the agency's written religious or  
40 moral convictions or policies does not provide the basis for a  
41 claim for injunctive relief or compensatory or punitive damages



Amendment No. 1

42 against such private child-placing agency or any operator,  
43 owner, or personnel thereof.

44 Section 2. This act shall take effect July 1, 2015.

45

46 -----

47

**T I T L E   A M E N D M E N T**

48

Remove everything before the enacting clause and insert:

49

An act relating to conscience protection for actions of private

50

child-placing agencies; amending s. 409.175, F.S.; providing

51

that a private child-placing agency is not required to place a

52

child or be involved in the placement of a child or facilitate

53

the licensure of a foster home which would violate the agency's

54

written religious or moral convictions or policies; prohibiting

55

the Department of Children and Families from taking actions

56

related to licensure based on the agency's refusal to place a

57

child or be involved in the placement of a child or facilitate

58

the licensure of a foster home which violates the agency's

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written religious or moral convictions or policies; prohibiting

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certain entities from withholding grants, contracts, or

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participation in government programs from a private child-

62

placing agency or affiliated agencies or homes based on the

63

agency's refusal to place a child or be involved in the

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placement of a child or the licensure of a foster home which

65

violates the agency's written religious or moral convictions or

66

policies; providing that such refusal does not provide the basis





Amendment No. 1

67 | for a claim for injunctive relief or compensatory or punitive  
68 | damages; providing an effective date.



Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)

FAILED TO ADOPT Y (Y/N)

**FAILED 4/2/15**

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

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

3  
4 **Amendment to Amendment (163827) by Representative Brodeur**  
5 **(with title amendment)**

6 Between lines 43 and 44 of the amendment, insert:

7 (e) This subsection does not allow a private child-placing  
8 agency to discriminate against an individual or couple on any  
9 grounds prohibited by any federal, state, or local law,  
10 regulation, or code of ethics governing social workers, adoption  
11 entities, or any other child welfare professionals.

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

15 Remove line 68 of the amendment and insert:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7111 (2015)

Amendment No. 1a

16 damages; providing that specified provisions do not allow a  
17 private child-placing agency to discriminate against individuals  
18 or couples on certain grounds; providing an effective date.



Amendment No. 1b

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)

FAILED TO ADOPT Y (Y/N) *Failed 4/2/15*

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Rodríguez, J. offered the following:

3  
4 **Amendment to Amendment (163827) by Representative Brodeur**  
5 **(with title amendment)**

6 Between lines 43 and 44 of the amendment, insert:

7 (e) In order to be eligible for the protections of this  
8 subsection, any private child-placing agency refusing to  
9 perform, assist in, recommend, consent to, or participate in the  
10 placement of a child when the proposed placement would violate  
11 the agency's written religious or moral convictions or policies,  
12 shall post notice of such refusal in a manner clearly visible to  
13 the public at all of its places of business, including websites.  
14 The notice shall state specifically which classes of individuals  
15 or couples the agency does not serve to ensure those individuals  
16 or couples are matched with agencies that can best meet their  
17 needs.



Amendment No. 1b

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25

-----

**T I T L E   A M E N D M E N T**

Remove line 68 of the amendment and insert:  
damages; providing that the private child-placing agency post  
notification of those persons who are not served by that agency;  
providing an effective date.

# Please Submit

Good Morning, my name is Nathaniel Gill. I am 10 years old,

I was born in Miami. At the age of 4 months, my four year old brother was feeding me and changing my diapers. When he went to the neighbors begging for food for us, someone called DCF and we were placed in foster care.

I was lucky to be placed with my brother. He was all I had and he has looked after me since I was born.

In the home DCF placed us, we had two dads. We were happy and liked our new home a lot.

But, when I was two years old, DCF decided we should get adopted. They told my dads that I was healthy and young enough so that they could find me a good home. But they said my brother would not be "adoptable." He was in first grade and they didn't think anyone would want the two of us.

For me that would have been a horrible mistake.

But somebody did want the two of us. **Our two dads.**

I didn't want to get adopted by myself. I didn't want a new family. My brother and my two dads were the only family I knew.

Lucky for me, my dad's are very stubborn. They fought the state for four years. They won and beat the law and that is how we made a forever family.

My dads are pretty much like any other parents. They taught me my ABCs, proper grammar. But they also taught me to play basketball, football, to swim, and to ski. We live in a good neighborhood with lots of other families.

Discrimination won't get more kids adopted. It will just make them end up in foster homes and group homes.

Our new little brother was in a group home for seven months because no one wanted him because he is autistic. There weren't any parents there, just people who work there. They fed him and bathed him, but they didn't love him. We felt bad for him, so my dad made him part of our family.

4/2/15 - HB7111

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**PCS for CS/HB 943 : Family Law**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Colleen Burton	X				
Dwight Dudley		X			
Katie Edwards			X		
Jay Fant	X				
Julio Gonzalez	X				
Gayle Harrell			X		
Matt Hudson	X				
Dave Kerner		X			
Larry Metz	X				
Jared Moskowitz			X		
Kathleen Passidomo	X				
Scott Plakon	X				
Michelle Rehwinkel Vasilinda	X				
José Rodríguez		X			
Charlie Stone	X				
Carlos Trujillo	X				
John Wood	X				
Charles McBurney (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 3</b>			

**Appearances:**

PCS for CS/HB 943  
 Frisher, Alan - Proponent  
 Family Law Reform  
 President  
 6550 N Wickham Road  
 Melbourne FL 32940  
 Phone: 321-242-7526

PCS for CS/HB 943  
 Power, Terrance - Waive In Support  
 Family Law Reform  
 1612 Shady Oaks Drive  
 Oldsmar FL 34677  
 Phone: 813-781-3266

PCS for CS/HB 943  
 Pitts, Brian - Information Only  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: 727-897-9291

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/2/2015 8:00:00AM

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

**PCS for CS/HB 943 : Family Law (continued)**

**Appearances: (continued)**

PCS for CS/HB 943

Sasser, Thomas - Proponent

Family Law Section of the Florida Bar  
Attorney

1800 Australian Avenue South  
West Palm Beach Florida 33409  
Phone: 561-281-5611

PCS for CS/HB 943

DeVane, Barbara (Lobbyist) - Opponent

FL NOW

625 E Brevard St.  
Tallahassee Fl 32308  
Phone: (850)222-3969

Committee meeting was reported out: Thursday, April 02, 2015 3:36:09PM