

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Flores, Chair
Senator Joyner, Vice Chair

MEETING DATE: Tuesday, April 12, 2011**TIME:** 1:00 —6:00 p.m.**PLACE:** Toni Jennings Committee Room, 110 Senate Office Building**MEMBERS:** Senator Flores, Chair; Senator Joyner, Vice Chair; Senators Bogdanoff, Braynon, Richter, Simmons, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 204 Health Regulation / Criminal Justice / Wise (Identical CS/CS/H 39)	Controlled Substances; Defines the term "homologue" for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act. Includes certain hallucinogenic substances on the list of controlled substances in Schedule I. Provides that it is a misdemeanor of the first degree to be in possession of not more than a specified amount of certain hallucinogenic substances. Reenacts provisions relating to prohibited acts and penalties regarding controlled substances and the offense severity chart of the Criminal Punishment Code, etc. CJ 01/11/2011 Fav/CS HR 03/14/2011 Fav/CS JU 04/04/2011 Not Considered JU 04/12/2011 Favorable BC	Favorable Yeas 7 Nays 0
2	SB 1092 Wise (Compare H 4159)	State Attorneys; Deletes a provision that requires each state attorney to quarterly submit deviation memoranda relating to offenders who are not sentenced to the mandatory minimum prison sentence in cases involving the possession or use of a weapon. Repeals provisions relating to criteria to be used when state attorneys decide to pursue habitual felony offenders or habitual violent felony offenders. Repeals provisions relating to direct-file policies and guidelines for juveniles, etc. CJ 03/14/2011 Favorable JU 04/12/2011 Fav/CS BC	Fav/CS Yeas 7 Nays 0

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3	CS/SB 926 Commerce and Tourism / Storms (Similar CS/H 405)	<p>Liability/Employers of Developmentally Disabled; Provides that an employer, under certain circumstances, is not liable for the acts or omissions of an employee who is a person with a developmental disability. Provides that a supported employment service provider that provides or has provided supported employment services to a person with a developmental disability is not liable for the actions or conduct of the person occurring within the scope of the person's employment. Defines the terms "developmental disability" and "supported employment service provider." Provides for application of the act.</p> <p>CM 03/16/2011 Fav/CS CF 03/22/2011 Favorable JU 04/04/2011 Not Considered JU 04/12/2011 Favorable</p>	Favorable Yeas 7 Nays 0
4	SB 2064 Children, Families, and Elder Affairs	<p>Mental Health and Substance Abuse Treatment; Redefines the term "court" to include county courts in certain circumstances. Requires the Department of Children and Family Services to provide a discharged defendant with up to a 7-day supply of psychotropic medication when he or she is returning to jail from a state treatment facility. Authorizes a county court to order the conditional release of a defendant for the provision of outpatient care and treatment. Creates the Forensic Hospital Diversion Pilot Program, etc.</p> <p>CF 03/28/2011 Favorable JU 04/04/2011 Not Considered JU 04/12/2011 Favorable BC</p>	Favorable Yeas 7 Nays 0
5	SB 2062 Children, Families, and Elder Affairs (Similar H 7235)	<p>Persons with Developmental Disabilities; Prohibits monitoring requirements that mandate pornographic materials be available in residential facilities that serve clients of the Agency for Persons with Disabilities. Requires the court to order a person involuntarily admitted to residential services to be released to the agency for appropriate residential services. Forbids the court from ordering that such person be released directly to a residential service provider. Authorizing the agency to transfer a person from one residential setting to another, etc.</p> <p>CF 03/28/2011 Favorable JU 04/12/2011 Fav/CS BC</p>	Fav/CS Yeas 7 Nays 0

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6	SB 1144 Margolis (Identical H 767)	Local Government; Authorizes a board of county commissioners to negotiate the lease of certain real property for a limited period. Authorizes transfers of right-of-way between local governments by deed. CA 03/14/2011 Favorable JU 04/04/2011 Not Considered JU 04/12/2011 Favorable TR	Favorable Yeas 7 Nays 0
7	CS/CS/SB 364 Commerce and Tourism / Children, Families, and Elder Affairs / Latvala (Compare CS/H 139)	Child Care Facilities; Revises the criteria for a childcare facility, large family child care home, or family day care home to obtain and maintain a designation as a Gold Seal Quality Care provider. Provides for certain household children to be included in calculations regarding the capacity of licensed family day care homes and large family child care homes. Provides conditions for supervision of household children of operators of family day care homes and large family child care homes. Revises advertising requirements applicable to child care facilities, etc. CF 03/09/2011 Fav/CS CM 03/29/2011 Fav/CS JU 04/12/2011 Favorable BC	Favorable Yeas 7 Nays 0
8	CS/SB 488 Criminal Justice / Fasano (Identical CS/H 251)	Sexual Offenses; Cites this act as the "Walk in Their Shoes Act." Revises offenses that are considered "child molestation" for purposes of admitting evidence of other crimes, wrongs, or acts in a criminal case involving child molestation. Requires certain property or material that is used in a criminal proceeding to remain in the care, custody, and control of the law enforcement agency, the state attorney, or the court. Requires a law enforcement officer to provide or arrange for transportation of a victim of sexual battery to an appropriate facility for medical treatment or forensic examination, etc. CJ 03/28/2011 Fav/CS JU 04/12/2011 Fav/CS HR BC	Fav/CS Yeas 7 Nays 0

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9	SB 1176 Ring (Similar CS/H 831, Compare H 763)	High School Athletic Trainers; Encourages school districts to employ at least one full-time certified athletic trainer at each high school in this state. Requires athletic trainers at high schools to be certified by the Board of Certification of the National Athletic Trainers' Association. Provides a rebuttable presumption that a school district did not negligently employ an athletic trainer for purposes of a civil action for negligence by the athletic trainer if the school district made a good faith effort to comply with the certification requirements for athletic trainers, etc. ED 03/30/2011 Favorable JU 04/12/2011 Fav/CS BC	Fav/CS Yeas 7 Nays 0
10	CS/SB 1618 Rules Subcommittee on Ethics and Elections / Diaz de la Portilla (Compare CS/H 1355)	Elections; Allows a respondent who is alleged by the Elections Commission to have violated the election code or campaign financing laws to elect as a matter of right a formal hearing before the Division of Administrative Hearings. Authorizes an administrative law judge to assess civil penalties upon the finding of a violation. Authorizes an administrative law judge to assess civil penalties upon a finding of a violation of the election code or campaign financing laws, etc. EE 03/21/2011 Fav/CS RC 03/29/2011 Favorable JU 04/12/2011 Fav/CS BC	Fav/CS Yeas 7 Nays 0
11	CS/SJR 658 Community Affairs / Fasano (Similar CS/CS/CS/HJR 381, Compare HJR 273, HJR 537, CS/H 1053, CS/H 1163, SJR 210, SJR 390, SJR 1578, Link S 1564, S 1722)	Homestead/Nonhomestead Property; Proposes amendments to the State Constitution to prohibit increases in the assessed value of homestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, etc. CA 03/14/2011 Fav/CS JU 04/04/2011 Not Considered JU 04/12/2011 Fav/CS BC RC	Fav/CS Yeas 5 Nays 2

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12	SB 1722 Fasano (Compare CS/CS/CS/HJR 381, CS/H 1053, CS/H 1163, Link CS/SJR 658, S 1564)	Ad Valorem Taxation; Reduces the amount that any change in the value of nonhomestead residential property resulting from an annual reassessment may exceed the assessed value of the property for the prior year. Reduces the amount that any change in the value of certain residential and nonresidential real property resulting from an annual reassessment may exceed the assessed value of the property for the prior year. Provides a first-time Florida homesteader with an additional homestead exemption, etc. CA 03/28/2011 Favorable JU 04/04/2011 Not Considered JU 04/12/2011 Fav/CS BC RC	Fav/CS Yeas 5 Nays 2
13	SCR 1558 Benacquisto (Compare HM 1429)	Repeal of Federal Law or Regulation; Calls for the Congress of the United States to call a convention pursuant to Article V of the United States Constitution to propose a constitutional amendment permitting repeal of any federal law or regulation by vote of two-thirds of the state legislatures. JU 04/12/2011 Favorable GO RC	Favorable Yeas 5 Nays 2
14	CS/CS/SB 432 Health Regulation / Criminal Justice / Evers (Compare CS/CS/H 155)	Privacy of Firearm Owners; Provides that a licensed medical care provider or health care facility may not record information regarding firearm ownership in a patient's medical record. Provides an exception for relevance of the information to the patient's medical care or safety. Provides that unless the information is relevant to the patient's medical care or safety, inquiries regarding firearm ownership or possession should not be made by licensed health care providers or health care facilities, etc. CJ 02/22/2011 Fav/CS HR 03/14/2011 Temporarily Postponed HR 03/22/2011 Temporarily Postponed HR 03/28/2011 Fav/CS JU 04/04/2011 Not Considered JU 04/12/2011 Fav/CS BC	Fav/CS Yeas 5 Nays 2

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15	CS/SB 234 Criminal Justice / Evers (Similar CS/CS/H 517, Compare CS/H 4069, S 956)	Firearms; Provides that a person in compliance with the terms of a concealed carry license may carry openly notwithstanding specified provisions. Allows the Division of Licensing of the Department of Agriculture and Consumer Services to take fingerprints from concealed carry license applicants. Provides that concealed carry licensees shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes. Repeals provisions relating to the purchase of rifles and shotguns in contiguous states, etc. CJ 02/22/2011 Temporarily Postponed CJ 03/09/2011 Temporarily Postponed CJ 03/14/2011 Fav/CS JU 04/12/2011 Favorable RC	Favorable Yeas 4 Nays 3
16	SB 2170 Judiciary	Judicial Nominating Commissions; Provides for the Attorney General, rather than the Board of Governors of The Florida Bar, to submit nominees for certain positions on judicial nominating commissions. Provides for the termination of terms of all current members of judicial nominating commissions. Provides for staggered terms of newly appointed members. JU 04/12/2011 Not Considered RC	Not Considered
17	SB 182 Sobel (Identical H 41)	Primary Sponsors of Legislation; Authorizes the naming of certain primary sponsors of legislation in the short title of a bill and its companion when agreed to by all primary sponsors of the bill and its companion. JU 04/12/2011 Favorable RC	Favorable Yeas 6 Nays 1
18	CS/SB 846 Criminal Justice / Benacquisto (Similar CS/H 595)	Prevention of Child Exploitation; Prohibits controlling or intentionally viewing any photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation that includes sexual conduct by a child. Provides penalties. Conforms provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act, etc. CJ 04/04/2011 Fav/CS JU 04/12/2011 Fav/CS BC	Fav/CS Yeas 7 Nays 0

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19	CS/SB 242 Rules / Joyner (Similar H 559, Compare CS/H 1355, CS/S 2086)	Voter Information Cards; Requires that voter information cards contain the address of the polling place of the registered voter. Requires a supervisor of elections to issue a new voter information card to a voter upon a change in a voter's address of legal residence or a change in a voter's polling place address. Provides instructions for implementation by the supervisors of elections. EE 01/26/2011 Fav/1 Amendment RC 03/29/2011 Fav/CS JU 04/12/2011 Favorable BC	Favorable Yeas 7 Nays 0
20	SB 1978 Bogdanoff	Alimony; Revises provisions relating to factors to be considered for alimony awards. Revises provisions relating to awards of permanent alimony. Provides applicability. JU 04/12/2011 Fav/CS CF RC	Fav/CS Yeas 7 Nays 0
21	CS/SB 504 Children, Families, and Elder Affairs / Bogdanoff (Identical CS/H 387)	Child Visitation; Requires probable cause of sexual abuse in order to create a presumption of detriment. Provides that persons meeting specified criteria may not visit or have contact with a child without a hearing and court order. Revises requirements for a hearing seeking to rebut a presumption of detriment. Revises provisions relating to hearings on whether to prohibit or restrict visitation or other contact with the person who is alleged to have influenced a child's testimony, etc. CF 03/22/2011 Fav/CS JU 04/04/2011 Not Considered JU 04/12/2011 Favorable BC	Favorable Yeas 7 Nays 0
22	SB 1398 Bogdanoff (Compare H 4067, H 4135, H 4137, CS/H 7023, H 7115, H 7117, H 7125, CS/H 7199, S 962, S 974, S 1100)	Judiciary; Repeals provisions relating to regular terms of the Supreme Court, compensation of the marshal, census commissions for the judicial circuits, and terms of the circuit courts. Repeals provisions relating to terms of the First Judicial Circuit through the Twentieth Judicial Circuit. Repeals provisions relating to requiring a judge to attend the first day of each term of the circuit court. Repeals provisions relating to requiring a judge to state a reason for nonattendance. Repeals provisions relating to guardians of incapacitated world war veterans, etc. JU 04/04/2011 Not Considered JU 04/12/2011 Fav/1 Amendment BC	Fav/1 Amendment (Yeas 5 Nays 2

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23	CS/SB 416 Criminal Justice / Bogdanoff (Similar H 163, H 411)	Public Records; Provides an exemption from public records requirements for photographs and video and audio recordings that depict or record the killing of a person. Authorizes access to such photographs or video or audio recordings by specified members of the immediate family of the deceased subject of the photographs or video or audio recordings. Provides for access to such records by local governmental entities or state or federal agencies in furtherance of official duties. Provides for future legislative review and repeal of the exemption, etc. CJ 03/28/2011 Fav/CS JU 04/12/2011 Fav/CS GO	Fav/CS Yeas 7 Nays 0
24	CS/SB 1196 Regulated Industries / Bogdanoff (Similar CS/H 941)	Construction Liens; Specifies that a lessor's interest in property is not subject to a construction lien for improvements made by a lessee if certain documents containing specific information and meeting certain criteria are recorded in the official records of the county before the recording of a notice of commencement. Authorizes certain contractors and lienors to demand that a lessor serve verified copies of a lease prohibiting liability for improvements made by a lessee, etc. RI 03/29/2011 Fav/CS JU 04/12/2011 Favorable CM	Favorable Yeas 7 Nays 0
25	CS/SB 828 Community Affairs / Bogdanoff (Identical CS/H 667)	Public Records/Local Government Inspector General; Expands an exemption from public records requirements to include certain records relating to investigations in the custody of an inspector general of a local government. Provides for future repeal and legislative review of such revisions to the exemption under the Open Government Sunset Review Act. Provides a statement of public necessity. CA 03/21/2011 Fav/CS JU 04/04/2011 Not Considered JU 04/12/2011 Favorable GO	Favorable Yeas 7 Nays 0

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26	SB 708 Thrasher (Compare CS/H 325, CS/S 648)	Lawyer-client Privilege; Provides that a client acts as a fiduciary when serving as a personal representative, a trustee, an administrator ad litem, a curator, a guardian or guardian ad litem, a conservator, or an attorney in fact. Provides that a communication between a lawyer and a client acting as a fiduciary is privileged and protected from disclosure to the same extent as if the client were not acting as a fiduciary. Provides that the act does not affect the crime or fraud exception to the lawyer-client privilege, etc. JU 04/12/2011 Temporarily Postponed CJ RC	Temporarily Postponed
27	SJR 1218 Altman (Compare HJR 1471)	Religious Freedom; Proposes an amendment to the State Constitution to provide that an individual may not be barred from participating in any public program because of choosing to use public benefits at a religious provider and to delete a prohibition against using public revenues in aid of any church, sect, or religious denomination or any sectarian institution. JU 04/04/2011 Not Considered JU 04/12/2011 Favorable CF ED BC	Favorable Yeas 5 Nays 2
28	CS/SJR 1954 Community Affairs / Garcia (Identical CS/HJR 1321)	Home Rule Charter of Miami-Dade County; Proposes an amendment to the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors. Provides requirements for a bill proposing such a special law. CA 03/28/2011 Fav/CS JU 04/12/2011 Favorable RC	Favorable Yeas 6 Nays 1
29	CS/SB 1448 Community Affairs / Garcia (Similar CS/CS/H 619, Compare H 931, S 1940, S 2024)	Sale/Lease/County, District, or Municipal Hospital; Provides that the sale or lease of a county, district, or municipal hospital is subject to approval by the registered voters or by the circuit court. Requires the hospital governing board to determine by certain public advertisements whether there are qualified purchasers of lessees before the sale or lease of such hospital. Requires the board to file a petition for approval with the circuit court and receive approval before any transaction is finalized, etc. HR 03/22/2011 Favorable CA 04/04/2011 Fav/CS JU 04/12/2011 Temporarily Postponed BC RC	Temporarily Postponed

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30	SB 1676 Thrasher (Similar CS/H 1393, Compare S 1924, CS/CS/S 1972)	Sovereign Immunity; Provides that specified provisions relating to sovereign immunity for health care providers do not apply to certain affiliation agreements or contracts to provide certain comprehensive health care services. Expands the definition of the term "officer, employee, or agency" for purposes of sovereign immunity to include certain health care providers, etc. HR 04/04/2011 Favorable JU 04/12/2011 Fav/CS BC	Fav/CS Yeas 5 Nays 1
31	SB 1010 Simmons (Identical H 781)	Neighborhood Improvement Districts; Revises the short title to become the "Neighborhoods Improvement Act." Authorizes the governing body of any municipality or county to form a neighborhood improvement district through the adoption of an ordinance rather than by a planning ordinance. Removes provisions pertaining to the creation and funding of safe neighborhood districts. Revises provisions authorizing a local governing body to create a local government neighborhood improvement district, etc. CA 04/04/2011 Favorable JU 04/12/2011 Fav/CS BC	Fav/CS Yeas 6 Nays 0