

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Flores, Chair
Senator Joyner, Vice Chair

MEETING DATE: Tuesday, October 18, 2011
TIME: 10:45 a.m.—12:45 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Flores, Chair; Senator Joyner, Vice Chair; Senators Braynon, Gardiner, Richter, Simmons, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 186 Ring (Identical H 183)	Misdemeanor Pretrial Substance Abuse Programs; Providing that a person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or a person who is charged with certain other designated misdemeanor offenses, and who has previously been convicted of a felony, may qualify for participation in a misdemeanor pretrial substance abuse program, etc.	CJ 10/04/2011 Fav/1 Amendment JU 10/18/2011
2	SM 240 Evers	Exercise of Federal Power; Urging Congress to honor the provisions of the Constitution of the United States and United States Supreme Court case law which limit the scope and exercise of federal power.	JU 10/18/2011
3	Presentations on issues related to electronic filing of court documents		
4	Interim Project 2012-130 (Review Issues and Options Related to Foreclosure Processes) Presentation (If report is released)		
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Judiciary Committee

BILL: CS/SB 186

INTRODUCER: Judiciary Committee and Senators Ring and Bogdanoff

SUBJECT: Misdemeanor Pretrial Substance Abuse Programs

DATE: October 19, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/1 amendment
2.	Maclure	Maclure	JU	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. It does so by making the following changes to current law:

- Removing the requirement that a person not have previously been admitted to a pretrial program in order to participate in a misdemeanor pretrial substance abuse education and treatment intervention program.
- Eliminating the current restriction that only a person charged with misdemeanor drug or paraphernalia possession under ch. 893, F.S., may participate in a program. The bill retains that offense as an eligible category for participation, but it also adds that a person may participate if he or she is charged with a misdemeanor for:
 - A nonviolent, nontraffic-related offense and it is shown that the person has a substance abuse problem;
 - Prostitution;
 - Underage possession of alcohol; or
 - Possession of certain controlled substances without a valid prescription.

This bill substantially amends section 948.16, Florida Statutes.

II. Present Situation:

Misdemeanor Pretrial Substance Abuse Education and Treatment Intervention

Misdemeanor possession of controlled substances under ch. 893, F.S., is the possession of 20 or fewer grams of cannabis.¹ Possession of drug paraphernalia for the purposes set forth in s. 893.147, F.S., is also a misdemeanor offense. The specified purposes include such things as possessing the paraphernalia in order to harvest or manufacture a controlled substance.²

Section 948.16, F.S., specifies that a person who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S., and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program, for a period based on the program requirements and the treatment plan for the offender.

Admission may be based upon motion of either party or the court except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.³

Participants in the program are subject to a coordinated strategy developed by a drug court team under s. 397.334(4), F.S., which may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court.⁴

At the end of the pretrial intervention period, the court must:

- Consider the recommendation of the treatment program;
- Consider the recommendation of the state attorney as to disposition of the pending charges; and
- Determine, by written finding, whether the defendant successfully completed the pretrial intervention program.

If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or return the

¹ Section 893.13(6)(b), F.S. The offense is a misdemeanor of the first degree. *Id.*

² Section 893.147(1), F.S. The offense is a misdemeanor of the first degree. *Id.*

³ Section 948.16(1)(a), F.S.

⁴ Section 948.16(1)(b), F.S.

charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the pretrial intervention program.⁵

Felony Pretrial Intervention

The Department of Corrections operates a felony pretrial intervention program under s. 948.08, F.S. As a component of that statute, a person who is charged with a nonviolent felony and is identified as having a substance abuse problem or who is charged with a specified second- or third-degree felony, and who has not previously been convicted of a felony, is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program, for a period of not less than one year.⁶ At the end of the pretrial intervention period, the court shall make a decision as to the disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program.⁷ In 2009, the Legislature eliminated from the statute a requirement that, in order to participate, the individual not have previously been admitted to a felony pretrial program under the statute.⁸

Pretrial Diversion Programs in General

Research indicates that pretrial diversion programs have proved to be effective alternatives to traditional case proceedings. A study conducted by the National Association of Pretrial Services Agencies⁹ found that, although data on recidivism rates for these programs was sparse, the available data indicated low rates (between 1 percent and 12 percent depending on the type of crime) of recidivism for offenders that complete pretrial diversion programs.¹⁰ The low rate of recidivism for offenders in these programs may be due to the nature of the programs. The Pretrial Justice Institute¹¹ states that pretrial diversion programs “operate under the theory that if the underlying problems are addressed the individual is less likely to recidivate. This, in turn, will lead to less crime and less future costs to the criminal justice system.”¹² Since their beginnings in the 1960’s, pretrial diversion programs have been continually expanded. In an article published by the National Association of Pretrial Services Agencies, the author states:

⁵ Section 948.16(2), F.S.

⁶ Section 948.08(6), F.S. The specified second- or third-degree felonies are: purchase or possession of a control substance, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud. In addition, the person must not have been charged with a crime involving violence. *Id.*

⁷ *Id.*

⁸ Chapter 2009-64, s. 5, Laws of Fla.

⁹ Incorporated in 1973 as a not-for-profit corporation, the National Association of Pretrial Services Agencies (NAPSA) is the national professional association for the pretrial release and pretrial diversion fields. More information can be found at <http://www.napsa.org/mission.htm> (last visited Oct. 13, 2011).

¹⁰ Spurgeon Kennedy et al. *Promising Practices in Pretrial Diversion*, 16, available at <http://www.pretrial.org/Docs/Documents/PromisingPracticeFinal.pdf> (last visited Oct. 13, 2011).

¹¹ In 1976 the U.S. Department of Justice funded the Pretrial Justice Institute at the request of NAPSA, and it is the nation’s only not-for-profit organization dedicated to ensuring informed pretrial decision-making for safe communities. More information can be found at <http://www.pretrial.org/AboutPJI/Pages/default.aspx> (last visited Oct. 13, 2011).

¹² John Clark, Pretrial Justice Institute, *The Role of Traditional Pretrial Diversion in the Age of Specialty Treatment Courts: Expanding the Range of Problem-Solving Options at the Pretrial Stage*, 7 (October 2007), available at <http://www.pretrial.org/Reports/PJI%20Reports/Forms/DispForm.aspx?ID=25> (last visited Oct. 13, 2011).

In 1972, ... fund [from the Law Enforcement Assistance Administration of the U.S. Department of Justice] led to the start-up of the Metropolitan Dade County Pretrial Intervention Project, in Miami, FL. The consistent record of accomplishment of Dade County Pretrial Intervention from that time forward led not only to the proliferation of diversion programs in the State of Florida – far in excess of the number anywhere else in the south – but to the adoption of a state diversion statute and to state-level standards and goals for diversion promulgated by a governor’s crime commission.¹³

III. Effect of Proposed Changes:

Under current law only a person who has been charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under ch. 893, F.S., and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program.

The bill expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. It does so by removing the condition that, in order to participate in the substance abuse education and treatment intervention program, a person must not have been previously admitted to a pretrial program.

Additionally, the bill expands the pool of potential participants in the pretrial program to include persons who are charged with misdemeanor prostitution or underage possession of alcohol. Prostitution is defined by s. 796.07, F.S. The first violation is a second-degree misdemeanor, and a second offense is punishable as a first-degree misdemeanor.¹⁴ Possession of alcohol by a person under the age of 21 is prohibited by s. 562.111, F.S. The first offense is punishable as a second-degree misdemeanor while the second offense is a first-degree misdemeanor.¹⁵ The bill also provides that persons who are charged with misdemeanor possession of certain controlled substances without a valid prescription may be admitted to the program.¹⁶

Finally, the bill provides that a person charged with a nonviolent, nontraffic-related misdemeanor offense¹⁷ who is identified as having a substance abuse problem also is eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program.

¹³ John P. Bellassai, *A Short History of the Pretrial Diversion of Adult Defendants from Traditional Criminal Justice Processing Part One: The Early Years*, 5, available at <http://www.napsa.org/publications/diversionhistory.pdf> (last visited Oct. 13, 2011).

¹⁴ Section 796.07(4), F.S.

¹⁵ Section 562.111(1), F.S.

¹⁶ The bill cites s. 499.03, F.S., which punishes as a second-degree misdemeanor the possession of “any habit-forming, toxic, harmful, or new drug subject to s. 499.003(33), or prescription drug as defined in s. 499.003(43), unless the possession of the drug has been obtained by a valid prescription.” These drugs include “new drugs” (s. 499.003(33), F.S.), prescription drugs (s. 499.003(43), F.S.), medicinal drugs (s. 465.003(8), F.S.), misbranded drugs (s. 499.007(13), F.S.), compressed medical gas (s. 499.003(11), F.S.), prescription medical oxygen (s. 499.003(46), F.S.), and veterinary prescription drugs (s. 499.003(53), F.S.).

¹⁷ These offenses would include certain trespass, theft, criminal-mischief, and worthless-check offenses to name a few.

The bill retains the requirement that a person eligible to participate in a misdemeanor pretrial substance abuse education and treatment intervention program must not have previously been convicted of a felony.

The bill provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill appears to be exempt from the requirements of article VII, section 18 of the Florida Constitution because it involves a criminal law.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The number of potential participants in county-funded misdemeanor pretrial substance abuse education and treatment intervention programs could increase under the bill. Although no potential fiscal impact has been brought to the attention of professional staff of the committee, it is conceivable that the counties may decide to increase program capacity, which would result in increased expenditures. To the extent that persons who successfully complete programs have their criminal charges dismissed and are not sentenced to time in local jails, local governments may see positive fiscal effects.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on October 18, 2011:

The committee substitute:

- Clarifies that eligibility to participate in a misdemeanor pretrial substance abuse education and treatment intervention program applies to a person who may be charged with one of several different types of misdemeanor offenses prescribed in the bill and clarifies that the prohibition against having a prior felony conviction applies in the case of each prescribed offense.
- Corrects the statutory citation (to s. 499.03, F.S.) for possession of a controlled substance without a valid prescription; and
- Adds the statutory citation for possession of alcohol while under 21 years of age (s. 562.111, F.S.) for continuity with the other specific offenses addressed in the bill, which include statutory citations.

- B. **Amendments:**

None.



293562

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/19/2011	.	
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The Committee on Judiciary (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete line 21
and insert:
substance abuse problem or who is charged with a

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

And the title is amended as follows:

Delete line 6
and insert:
having a substance abuse problem or who is



288112

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/19/2011	.	
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The Committee on Judiciary (Richter) recommended the following:

Senate Amendment

Delete line 26
and insert:
499.03, and who has not previously been convicted of a



821248

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
10/04/2011	.	
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	.	
	.	

The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment

Delete line 24
and insert:
possession of alcohol while under 21 years of age under s.
562.111, or possession

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver to Senator or Senate Professional Staff conducting the meeting)

10/18 /2011

Meeting Date

186

Bill Number (if applicable)

Topic Pretrial programs

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

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Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

For officially noticed committee meetings, pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee:

Time: from _____ to _____

This form is part of the public record for this meeting.

S-001 (04/19/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Judiciary Committee

BILL: SM 240

INTRODUCER: Senator Evers

SUBJECT: Exercise of Federal Power

DATE: October 17, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Irwin	Maclure	JU	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This Senate Memorial urges the federal government to honor the provisions of the United States Constitution and federal case law which limit the scope and exercise of federal power.

More specifically, the memorial demands that the federal government cease and desist from issuing mandates that are beyond the scope of its constitutionally delegated powers. The memorial also provides that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding should be prohibited or repealed.

Copies of the memorial are to be provided to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the presiding officers of each state legislature of the United States, and each member of the Florida delegation to the United States Congress.

II. Present Situation:

Tenth Amendment and State Sovereignty

By the provisions of the United States Constitution, certain powers are entrusted solely to the federal government, while others are reserved to the states, “and still others may be exercised concurrently by both the federal and state governments.”¹ All attributes of government that have not been relinquished by the adoption of the United States Constitution and its amendments have

¹ 48A FLA. JUR 2D, *State of Florida* s. 13 (2011).

been reserved to the states.² The Tenth Amendment to the United States Constitution provides: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” As noted by one Supreme Court Justice:

This amendment is a mere affirmation of what, upon any just reasoning, is a necessary rule of interpreting the constitution. Being an instrument of limited and enumerated powers, it follows irresistibly, that what is not conferred, is withheld, and belongs to the state authorities.³

Therefore, courts have consistently interpreted the Tenth Amendment to mean “[t]he States unquestionably do retain a significant measure of sovereign authority. . . to the extent that the Constitution has not divested them of their original powers and transferred those powers to the Federal Government.”⁴ Under the federalist system of government in the United States, states may enact “more rigorous restraints on government intrusion than the federal charter imposes.”⁵ However, a state may not adopt more restrictions on the fundamental rights of a citizen than the United States Constitution allows.⁶

The United States Supreme Court has recognized that the Framers of the Constitution explicitly chose a constitution that affords to “Congress the power to regulate individuals, not States.”⁷ Therefore, the Court has consistently held that the Tenth Amendment does not afford Congress the power to require states to enact particular laws or require that states regulate in a particular manner.⁸ For example, in *New York v. United States*, the Court, in interpreting the Tenth Amendment, ruled that the Constitution does not confer upon Congress the power to compel states to provide for disposal of radioactive waste generated within their borders, though Congress has substantial power under the Constitution to encourage states to do so.⁹

State Sovereignty Movement

A state sovereignty movement has emerged in the United States over the past couple of years. The premise of this movement is the belief that the balance of power has tilted too far in favor of the federal government. Proponents of this movement urge legislators and citizens to support resolutions or state constitutional amendments declaring the sovereignty of the state over all matters not delegated by the limited enumeration of powers in the United States Constitution to the federal government. The resolutions often mandate that the state government will hold the federal government accountable to the United States Constitution to protect state residents from federal abuse.

² *Id.*

³ *New York v. United States*, 505 U.S. 144, 156 (1992) (quoting 3 J. Story, *Commentaries on the Constitution of the United States* 752 (1833)).

⁴ *Id.* (quoting *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528, 549 (1985) (internal quotation marks omitted)).

⁵ 48A FLA. JUR 2D, *State of Florida* s. 13 (2011).

⁶ *Id.*

⁷ *New York v. United States*, 505 U.S. at 166.

⁸ 48A FLA. JUR 2D, *State of Florida* s. 13 (2011); *see also* *Baggs v. City of South Pasadena*, 947 F. Supp. 1580 (M.D. Fla. 1996).

⁹ *New York v. United States*, 505 U.S. at 188.

In late June 2009, the Tennessee governor became the first governor to sign such a resolution.¹⁰ Following Tennessee, Alaska's governor signed a similar resolution passed by the Alaska House and Senate in July 2009.¹¹ An advocacy organization supporting state sovereignty reports that 21 states introduced similar resolutions asserting state sovereignty in 2010.¹² Of those joint resolutions filed, three were signed by the governors of Alabama, Utah, and Wyoming.¹³ For 2011, 19 states filed resolutions, and none were signed by their respective governors.¹⁴

In lieu of a resolution asserting state sovereignty, some state legislators have filed bills proposing binding legislation supporting state sovereignty. For example, a New Hampshire legislator filed a bill to create a “joint committee on the constitutionality of acts, orders, laws, statutes, regulations, and rules of the government of the United States of America in order to protect state sovereignty.”¹⁵ Some state legislators have filed legislation for a state constitutional amendment asserting state sovereignty.¹⁶ To date, it does not appear that a state constitutional amendment has been adopted.

Challenges to The Patient Protection and Affordable Care Act

Federal health care reform legislation titled “The Patient Protection and Affordable Care Act” is one of the focuses of the state sovereignty movement. Following the enactment of the legislation in 2010, the attorneys general, including the attorney general of Florida, and/or the governors of 26 states, two private citizens, and the National Federation of Independent Business filed suit in the United States District Court for the Northern District of Florida challenging the constitutionality of the Act.¹⁷ Plaintiffs alleged that the individual mandate¹⁸ set forth in the Act requiring everyone to purchase federally approved health insurance every month violates the Commerce Clause of the United States Constitution. In addition, plaintiffs alleged that the provisions in the Act expanding Medicaid violate the Spending Clause, as well as the Ninth and Tenth Amendments of the United States Constitution. On January 31, 2011, the district court concluded that:

¹⁰ Tennessee HJR 108 (2009); see also Michael Boldin, Tenth Amendment Center, *Tennessee Governor Signs Sovereignty Resolution*, available at <http://www.tenthamendmentcenter.com/2009/06/27/tennessee-governor-signs-sovereignty-resolution/> (last visited Oct. 13, 2011).

¹¹ Alaska HRJ 27 (2009); see also Michael Boldin, Tenth Amendment Center, *Palin Signs Alaska Sovereignty Resolution*, available at <http://www.tenthamendmentcenter.com/2009/07/13/palin-signs-alaska-sovereignty-resolution/> (last visited Oct. 13, 2011).

¹² Tenth Amendment Center, *2010 Resolutions*, available at <http://www.tenthamendmentcenter.com/nullification/10th-amendment-resolutions/> (last visited Oct. 13, 2011).

¹³ Alabama SJR 27 (2010); Utah SCR 3 (2010); and Wyoming HJ 0002 (2010).

¹⁴ Tenth Amendment Center, *2011 Resolutions*, available at <http://www.tenthamendmentcenter.com/nullification/10th-amendment-resolutions/> (last visited Oct. 13, 2011).

¹⁵ New Hampshire HB 1343 (2010). A Missouri legislator filed a bill creating a “Tenth Amendment Commission.” The commission refers cases to the Attorney General when the federal government enacts laws requiring the state or a state officer to enact or enforce a provision of federal law believed to be unconstitutional. See Missouri SB 587 (2010).

¹⁶ See Oklahoma HJR 1063 (2010).

¹⁷ *Florida ex rel. Bondi v. U.S. Dept. of Health and Human Servs.*, 780 F. Supp. 2d 1256 (N.D. Fla. 2011), *aff'd in part, rev'd in part*, 648 F.3d 1235 (11th Cir. 2011).

¹⁸ 26 U.S.C. s. 5000A.

Congress exceeded the bounds of its authority in passing the Act with the individual mandate. . . . Because the individual mandate is unconstitutional and not severable, the entire Act must be declared void.¹⁹

On August 12, 2011, the 11th Circuit Court of Appeals upheld the constitutionality of the Medicaid expansion provision under the Spending Clause and the *unconstitutionality* of the individual mandate. The circuit court stated:

The federal government’s assertion of power, under the Commerce Clause, to issue an economic mandate for Americans to purchase insurance from a private company for the entire duration of their lives is unprecedented, lacks cognizable limits, and imperils our federalist structure. . . . That an economic mandate to purchase insurance from a private company is an expedient solution to pressing public needs is not sufficient.²⁰

However, the circuit court reversed the inseparability determination of the district court, which invalidated the entire Act. The circuit court noted that the district court “placed undue emphasis on the Act’s lack of a severability clause.”²¹ “The presumption is in favor of severability[]”²² unless it can be shown that Congress would not have passed the Act absent those provisions.²³ The circuit court found:

Just because the invalidation of the individual mandate may render [other] provisions *less desirable*, it does not ineluctably follow that Congress would find the two reforms *so* undesirable without the mandate as to prefer not enacting them at all. The fact that one provision may have an impact on another provision is not enough to warrant the inference that the provisions are inseparable. This is particularly true here because the reforms of health insurance help consumers who need it the most.²⁴

III. Effect of Proposed Changes:

This Senate Memorial urges the federal government to honor the provisions of the United States Constitution and federal case law which limit the scope and exercise of federal power.

The memorial recognizes Florida’s sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the federal government and demands that the federal government, as an agent of the State of Florida, cease and desist from issuing mandates that are beyond the scope of those constitutionally delegated powers.

¹⁹ *Florida ex rel. Bondi v. U.S. Dept. of Health and Human Servs.*, 780 F. Supp. 2d at 1306.

²⁰ *Florida ex rel. Atty. Gen. v. U.S. Dept. of Health and Human Servs.*, 648 F.3d 1235, 1312-13 (11th Cir. 2011).

²¹ *Id.* at 1322.

²² *Id.* at 1321 (quoting *Regan v. Time, Inc.*, 468 U.S. 641, 653 (1984)).

²³ *Id.*

²⁴ *Id.* at 1327.

The memorial provides that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or that requires states to pass legislation or lose federal funding should be prohibited or repealed.

Copies of the memorial are to be provided to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the presiding officers of each state legislature of the United States, and each member of the Florida delegation to the United States Congress.

The memorial is not subject to approval or veto by the Governor. The presiding officers of each house sign the memorial.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver to Senator or Senate Professional Staff conducting the meeting)

10/18/2011

Meeting Date

240

Bill Number (if applicable)

Topic Fed power

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title TRUSTEE

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State

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E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

For officially noticed committee meetings, pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

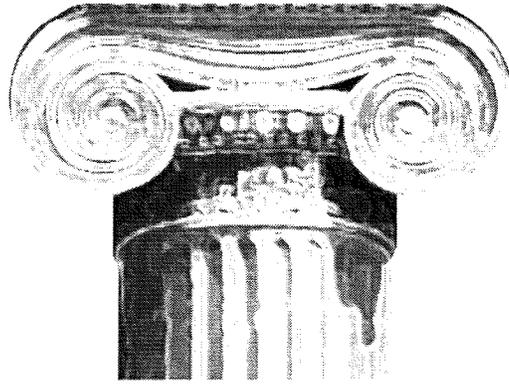
If designated employee:

Time: from _____ to _____

This form is part of the public record for this meeting.

S-001 (04/19/11)

Florida Courts



E-Filing Authority

**FLORIDA COURTS
E-FILING AUTHORITY
ANNUAL REPORT**

June 15, 2011

Tampa Marriott Waterside
700 S. Florida Avenue
Tampa, FL 33607

FLORIDA COURTS E-FILING AUTHORITY ANNUAL REPORT

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EXECUTIVE SUMMARY

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2. Approved 2010-2011 Budget for the Authority
3. Authority Meetings (agendas and minutes)
4. Portal Activity, January 2011-June 2011
5. Financial Activity

EXECUTIVE SUMMARY

In accordance with direction by the Florida Legislature and the Florida Supreme Court, the need for the development and implementation of a system for statewide electronic filing of Florida's county, circuit and appellate court records required was recognized by the 2009 passage of this law:

28.22205 Electronic filing process.—Each clerk of court shall implement an electronic filing process. The purpose of the electronic filing process is to reduce judicial costs in the office of the clerk and the judiciary, increase timeliness in the processing of cases, and provide the judiciary with case-related information to allow for improved judicial case management. The Legislature requests that, no later than July 1, 2009, the Supreme Court set statewide standards for electronic filing to be used by the clerks of court to implement electronic filing. The standards should specify the required information for the duties of the clerks of court and the judiciary for case management. The clerks of court shall begin implementation no later than October 1, 2009. The Florida Clerks of Court Operations Corporation shall report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2010, on the status of implementing electronic filing. The report shall include the detailed status of each clerk office's implementation of an electronic filing process, and for those clerks who have not fully implemented electronic filing by March 1, 2010, a description of the additional steps needed and a projected timeline for full implementation. Revenues provided to counties and the clerk of court under s. 28.24(12)(e) for information technology may also be used to implement electronic filing processes. History.—s. 16, ch. 2009-61.

In 2010, the Legislative Appropriations proviso language in HB 5401 stated:

"...the state courts system will accelerate the implementation of the electronic filing requirements of section 16 of chapter 2009-61, Laws of Florida, by implementing five of the ten trial court divisions by January 1, 2011..."

The bill identified the 10 court divisions as: Circuit Criminal; County Criminal; Juvenile Delinquency; Criminal Traffic; Circuit Civil; County Civil; Civil Traffic; Probate; Family; and Juvenile Dependency. In conjunction with direction from the Florida Courts Technology Commission, the Authority opted to focus on the following five court divisions to begin work: Circuit Civil; County Civil; Probate; Family; and Juvenile Dependency.

In the 2011 Appropriations bill, SB 2000, language again mentioned the 10 court divisions and required that by January 1, 2012, that Clerks would have to implement the electronic filing requirements for all ten trial court divisions, pursuant to section 28.36(3), Florida Statutes. This mandate sets forth the focus for the Authority for the upcoming six months to develop the portal to include the next five court divisions.

In the summer of 2010, Florida's Clerks of the Circuit and County Courts responded to this mandate with the creation of a public entity to manage the design, development, implementation, operation, upgrade, support and maintenance of a portal for the receipt of electronically filed court records.

In conjunction with the Chief Justice and the Supreme Court, the Florida Courts E-Filing Authority was established in June 2010 by an Interlocal Agreement creating a public agency pursuant to chapter 163, Florida Statutes, comprised of the Clerks of the Circuit Court who join the Authority and the Clerk of the Supreme Court, as designee of the Chief Justice of the Supreme Court on behalf of all the state courts. (see Tab 1) It is recognized by the agreement that the Clerks of the Circuit Court are the official custodians of the records of the Circuit and County Courts in each Clerk's respective county and, likewise, the Clerk of the Supreme Court is the official custodian of the records of the Florida Supreme Court.

Each Clerk is subject to the Florida Statutes, the Administrative Orders of the Chief Justice of the Florida Supreme Court applicable to the respective Clerk, and each Clerk has the power and responsibility to develop, acquire, construct, own, operate, manage and maintain database systems for court filings and related records. Clerks of the Circuit Court are members of the Authority through the execution of a joinder agreement. The district courts of appeal are members through the Clerk of the Supreme Court.

The Authority is governed by a 9-member Board of Directors consisting of:

- A Chair of the Authority – the chair of the Florida Association of Court Clerks' (FACC) Technology Committee, as selected by the Association President each year, holds this seat.
- Seven Clerks of the Circuit Court – in addition to the chair, each of the seven FACC districts nominates a Clerk from the district to serve on this board.
- The Clerk of the Supreme Court – the Clerk of the Supreme Court serves as the Chief Justice's designee on behalf of the state courts.

The Florida Courts E-Filing Authority Board members for 2010-2011 are:

- Hon. Dewitt Cason, Columbia County, Chair
- Hon. Tom Hall, Clerk of the Supreme Court, Vice-Chair
- Hon. Sharon Bock, Palm Beach County
- Hon. Lydia Gardner, Orange County

- Hon. Bob Inzer, Leon County
- Hon. James Jett, Clay County
- Hon. Bill Kinsaul, Bay County
- Hon. Karen Nicolai, Hernando County
- Hon. Karen Rushing, Sarasota County

The Florida Courts E-Filing Authority has contracted with the Florida Association of Court Clerks and Comptrollers to design, develop, implement, operate, upgrade, support and maintain an electronic portal for the filing of court records. The portal is to serve as a statewide access point for the electronic access and transmission of court records to and from the courts. The portal includes the following features:

- A single statewide log-in
- A single Internet access to court records by authorized users
- Transmissions to and from the appropriate courts
- The ability to provide electronic service of notification receipt of an electronic filing and confirmation of filing in the appropriate court file
- Open standards-based integration ability with existing statewide information systems and county eFiling applications
- Compliance with the Electronic Court Filing Standard 4.0, the Global Justice Extensible Markup Language and Oasis Legal Markup Language

The Florida Courts E-Filing Authority works in close coordination with the Florida Courts Technology Commission to ensure that the statewide portal is developed in accordance court system standards and rules. Current year budget is comprised of funds donated by the Florida Supreme Court (\$20,000), The Florida Bar (\$20,000) and Florida Association of Court Clerks Services Group, LLC. (\$20,000) The funds are being used for the activities required of the Authority, such as for the board attorney, Director's and Officer's Insurance and auditing. (see Tab 2)

The portal opened January 2011, as required in the Interlocal Agreement. During the first month of operation 229 documents were eFiled and the numbers have grown since that time. As of the date of this report, all 67 counties have an approved eFiling plan.

As of June 2011, the counties currently filing through the statewide portal are:

- Bay, Broward, Collier, Columbia, Duval, Gulf, Franklin, Holmes, Jackson, Lake, Lee, Marion, Miami-Dade, Palm Beach, Putnam, Walton

The counties slated to "go-live over" the third quarter of 2011 are:

- Polk, Wakulla

Other counties in progress include:

- Alachua, Bradford, Brevard, Charlotte, Hillsborough, Leon, Liberty, Martin, Monroe, Nassau, Okaloosa, Okeechobee, Osceola, Pasco, Pinellas, Sarasota, Seminole, St. Lucie

All 67 counties are actively working to connect to the portal. In order for a county to be ready to accept electronically filed court documents, the following steps have been identified. A county must:

- Have an approved eFiling plan;
- Build an interface with ePortal;
- Provide codes for ePortal;
- Have successful end-to-end testing; and
- Identify pilot attorneys.

Over the course of the year, the Florida Courts E-Filing Authority has met a number of times to discuss the various aspects of the statewide portal to make sure that when it opened in January 2011, and for its operation in the ensuing months, that it would meet the above-listed requirements, as well as serve the Courts, the Clerks of Court and the various filers across the state. (see Tab 3) Since inception there have been 6,225 documents filed, most of which have represented documents filed to existing cases. (see TAB 4) Generally, a document filed to an existing case does not require payment.

One of the major decisions made by the Authority this past year was to establish the fees for use of the statewide portal. After review of other states, and the limitation by the Authority's creating document, that limited the fees to that "only those fees, service charges, and check, debit and credit card transaction fees that the individual Clerks of Court are permitted to impose through express statutory authorization." Florida law allows Clerks of the Court to charge convenience fees at a level that covers the cost of the credit card transaction. As such, the Authority debated the issues over the course of several meetings and chose to accept Mastercard, Discover and American Express credit cards and charge a convenience fee of 3% for the acceptance and processing of transactions using those cards. The filer may also use an ACH transaction for a \$3.00 fee. As such, there has been \$18,063.83 in filing fees as paid by credit card and \$540.87 in credit card processing fees paid through the portal since inception. The ACH transactions have totaled \$5,483.00 in paid filing fees along with \$54.00 in ACH processing fees. (see TAB 5)

Since the portal was opened in January 2011, the Association staff has travelled around the state of Florida working with the local members of The Florida Bar, and the Clerks of Court, educating the filers and assisting Clerks in continuing development of the electronic acceptance of court documents into local case maintenance systems.

Additionally, the Authority continues its work with Hon. Tom Hall, Clerk of the Supreme Court; the District Courts of Appeal Clerks of Court; the Office of the State Courts Administrator – Information Systems Services; and the Florida Association of Court Clerks to create the Florida Appellate Courts Electronic Filing module within the statewide eFiling Portal. It is anticipated that the submission of Supreme Court appellate filings via the statewide eFiling Portal will begin in late 2011 with the district courts to follow.

Addendum

Over the course of the first two quarters of this year, the following issues have arisen a number of times to create the following list of Frequently Asked Questions and answers:

TIMESTAMPS

Q: How will this system address the filing time, and time stamping of documents when it is received?

A: All dates and times, including when the filing is received at the ePortal and accepted by the clerk, are stored in the ePortal database to ensure the accuracy and consistency of when the event took place.

Supreme Court Administrative Order 09-30

Standard 3.1.12 An electronic filing may be submitted to the portal at any time of the day or night, twenty four (24) hours a day seven days a week; the portal shall place a time/date stamp. However, the filing will not be official information of record until it has been stored on the clerk's case maintenance system.

FEES

Q: What are the filer costs above and beyond the statutory fees. For instance, are there subscriptions, convenience fees, or fees for additional services?

A: Authorized filers may access the ePortal and file documents to be placed in existing cases at no charge. If a filer chooses to pay statutory filing fees using a credit card or ACH transaction, they will be charged an additional credit card transaction fee which will be used to cover the associated banking and merchant fees as allowed by Florida Statutes.

The Florida Courts E-Filing Authority has set the following fees:

Mastercard, American Express, Discover3% of filing fee
ACH.....\$3 fee per filing

ACCESS TO CASE INFORMATION AND DOCUMENTS FILED ON A CASE

Q: How can a filer access filings and case information?

A: The ePortal provides access to filings "in progress" only. Once the filing is accepted and filed in the local CMS/DMS, this becomes the official court record just like the current paper process. Original filings are retained at the portal for a brief period and then removed. Permanent access to these documents are provided through existing methods – local web sites and CCIS links.

DOCUMENT TYPES

Q: What document types can be sent through the portal?

A: The portal will accept filings in Word, WordPerfect, or PDF. Documents can be provided in PDF formats to local system. The portal can also convert to TIFF upon request in the local DMS cannot.

ADMINISTRATION OF USER ACCOUNTS/AUTHENTICATIONS

Q: How can users administer their accounts?

A: There are three options.

- 1) Users can authenticate their own accounts
- 2) Law Firms can administer their users
- 3) The local Clerk's Office can review and administer accounts

ELECTRONIC SIGNATURES

Q: How are electronic signatures handled?

A: The ePortal supports electronic signatures as outlined in AOSC 09-30:

A pleading or other document is not required to bear the electronic image of the handwritten signature or an encrypted signature of the filer, but may be signed in the following manner when electronically filed through a registered user's login and password.

- s/ John Doe
- John Doe (e-mail address)
- Bar Number 12345
- Attorney for (Plaintiff/Defendant)
- XYZ Company
- ABC Law Firm
- 123 South Street Orlando, FL 32800
- Telephone: (407) 123-4567

Original documents (Death Certificates, etc.) or those that contain original signatures such as affidavits, deeds, mortgages and wills must be filed manually until the court has determined the digital format by which these issues are addressed.

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September 15, 2011

  News HOME

Committee given an extra month to put together mandatory e-filing schedule

The Supreme Court has given the Florida Courts Technology Commission an additional month to propose a schedule to implementing electronic filing for the courts.

The court, in an August 8 order, had directed the commission to work with the Florida Court E-Filing Authority Board of Directors to prepare "a supplemental comment which proposes a plan for phased-in implementation of mandatory e-filing by attorneys. The plan should specifically identify any unique issues regarding implementation of mandatory e-filing in the criminal divisions of the circuit court and for criminal appellate matters."

That comment was to be filed in an existing proceeding, case no. SC 11-399, which deals with amendments to various procedural rules necessary to accommodate e-filing. The court had set a September 7 deadline, but after the request FCTC Chair Judith Kreeger said more time likely would be needed.

In the revised order, the court asked that the comment be submitted by October 7. It also rescheduled the oral argument on the rule amendments from October 4 to November 3.

Several counties are now accepting electronic filings through the portal governed by the e-filing authority board, and five of the 10 trial court divisions have been approved to accept electronic filing. But no schedule has been set for accomplishing e-filing for all counties and in all divisions.

[Revised: 10-05-2011]

News HOME

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/SB 170 — Electronic Filing and Receipt of Legal Documents

by Budget Subcommittee on Criminal and Civil Justice Appropriations; Judiciary Committee;
and Senator Bennett

This bill requires each state attorney and public defender to electronically file court documents with the clerk of the court and electronically receive court documents from the clerk of the court. The bill defines the term “court documents.” The bill further expresses the expectation of the Legislature that the state attorneys and public defenders consult with specified entities in implementing the electronic filing and receipt process. The Florida Prosecuting Attorneys Association and the Florida Public Defender Association are required to report to the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, on the progress made in implementing electronic filing through the Florida Courts E-Portal (statewide portal) or other portal for case types not yet approved for filing through the statewide portal.

The bill also provides for electronic procedures in administrative proceedings. The bill requires parties represented by attorneys in hearings held under the Division of Administrative Hearings and in the Workers’ Compensation Appeals Program to file all documents electronically.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 39-0; House 115-0

Chapter 2011-208, Laws of Fla.

The Florida Senate

2011 Florida Statutes

<u>TITLE V</u> JUDICIAL BRANCH	<u>CHAPTER 27</u> STATE ATTORNEYS; PUBLIC DEFENDERS; RELATED OFFICES	<u>VIEW</u> <u>ENTIRE</u> <u>CHAPTER</u>
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27.341 Electronic filing and receipt of court documents. —

(1)(a) Each office of the state attorney shall electronically file court documents with the clerk of the court and receive court documents from the clerk of the court. It is the expectation of the Legislature that the electronic filing and receipt of court documents will reduce costs for the office of the state attorney, the clerk of the court, and the judiciary; will increase timeliness in the processing of cases; and will provide the judiciary and the clerk of the court with case-related information to allow for improved judicial case management.

(b) As used in this section, the term “court documents” includes, but is not limited to, pleadings, motions, briefs, and their respective attachments, orders, judgments, opinions, decrees, and transcripts.

(2) It is further the expectation of the Legislature that each office of the state attorney consult with the office of the public defender for the same circuit served by the office of the state attorney, the clerks of court for the circuit, the Florida Court Technology Commission, and any authority that governs the operation of a statewide portal for the electronic filing and receipt of court documents.

(3) The Florida Prosecuting Attorneys Association shall file a report with the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, describing the progress that each office of the state attorney has made to use the Florida Courts E-Portal or, if the case type is not approved for the Florida Courts E-Portal, separate clerks’ offices portals for purposes of electronic filing and documenting receipt of court documents. For any office of the state attorney that has not fully implemented an electronic filing and receipt system by March 1, 2012, the report must also include a description of the additional activities that are needed to complete the system for that office and the projected time necessary to complete the additional activities.

History. — s. 1, ch. 2011-208.

The Florida Senate

2011 Florida Statutes

<p><u>TITLE V</u> JUDICIAL BRANCH</p>	<p><u>CHAPTER 27</u> STATE ATTORNEYS; PUBLIC DEFENDERS; RELATED OFFICES</p>	<p><u>VIEW ENTIRE CHAPTER</u></p>
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27.5112 Electronic filing and receipt of court documents.—

(1)(a) Each office of the public defender shall electronically file court documents with the clerk of the court and receive court documents from the clerk of the court. It is the expectation of the Legislature that the electronic filing and receipt of court documents will reduce costs for the office of the public defender, the clerk of the court, and the judiciary; will increase timeliness in the processing of cases; and will provide the judiciary and the clerk of the court with case-related information to allow for improved judicial case management.

(b) As used in this section, the term “court documents” includes, but is not limited to, pleadings, motions, briefs, and their respective attachments, orders, judgments, opinions, decrees, and transcripts.

(2) It is further the expectation of the Legislature that, in developing the capability and implementing the process, each office of the public defender consult with the office of the state attorney for the same circuit served by the office of the public defender, the clerks of court for the circuit, the Florida Court Technology Commission, and any authority that governs the operation of a statewide portal for the electronic filing and receipt of court documents.

(3) The Florida Public Defender Association shall file a report with the President of the Senate and the Speaker of the House of Representatives by March 1, 2012, describing the progress that each office of the public defender has made to use the Florida Courts E-Portal or, if the case type is not approved for the Florida Courts E-Portal, separate clerks’ offices portals for purposes of electronic filing and documenting receipt of court documents. For any office of the public defender that has not fully implemented an electronic filing and receipt system by March 1, 2012, the report must also include a description of the additional activities that are needed to complete the system for that office and the projected time necessary to complete the additional activities.

History.—s. 2, ch. 2011-208.

THE FLORIDA SENATE
COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

Date _____

Bill Number _____

Barcode _____

Name KAREN Rushing
Address 2000 Main St.
Street
Sarasota, FL 34230
City State Zip

Phone _____
E-mail KRushing@segov
Job Title Clerk of Court ret

Speaking: For Against Information Appearing at request of Chair

Subject E-filing
Representing Clerks of Court

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/18/11

Date

Bill Number

Barcode

Name THOMAS D. HALL

Phone 488 0125

Address 500 S. DUVAL STREET

E-mail thd@courts.org

TALLAHASSEE FL 32399

Job Title Out of Court

City State Zip

Speaking: For Against Information

Appearing at request of Chair

Subject Electronic Filings - Court System

Representing FL Court System

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes. If designated employee: Time: from .m. to .m.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/18/2011
Date

Bill Number

Barcode

Name Thomas Morris

Phone 352-374-3629

Address 120 W. University Ave
Street
Gainesville, FL State Zip

E-mail morrist@s408.org

Job Title IT Director
SAOB

Speaking: For Against Information

Appearing at request of Chair

Subject e Filing

Representing FPAA

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

10/18/11
Date

e-filing
Bill Number

Name John Tommasino
Address 301 S Monroe Lake 401
Street City Tallahassee State FL Zip 32301

Barcode
Phone 850-606-1015
E-mail john.tommasino@flpb.com
Job Title Admin Director

Speaking: For Against Information Appearing at request of Chair

Subject E-filing in the courts

Representing Florida Public Defenders Association

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.
If designated employee: Time: from _____ .m. to _____ .m.

Interim Report 2012-130,

*Review Issues and Options
Related to Foreclosure
Processes,*

was not released as of the time on October 17 when the materials for the October 18 meeting of the Committee on Judiciary were distributed.

The Committee, therefore, will reschedule the presentation of this interim report for another date.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

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Budget
Budget - Subcommittee on Education Pre-K - 12
Appropriations
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Reapportionment
Rules

SENATOR ANITERE FLORES

Majority Whip
38th District

Approved 9/9/11

Mik H.

September 7, 2011

The Honorable Mike Haridopolos
President of the Florida Senate
409 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear President Haridopolos:

In the light of the October due date for the birth of my child, I will be unable to travel to Tallahassee for the September, October, and November interim committee meetings. Under Senate policy, I am writing to you in my capacity as chair of the Committee on Judiciary to request approval for excused absences from these meetings. I will work with Senator Joyner, the committee Vice Chair, and with Eric Maclure, the committee staff director, to plan the agendas for the meetings.

In addition, I have written to the respective chairs of the committees on which I serve to request excused absences from them. Because I need to miss multiple committee meetings, I wanted to apprise you as well. In this manner, I hope that this letter will serve as a global request to the Senate for an excused absence during this period.

Thank you for your consideration and your understanding. I look forward to working with you leading up to and during the 2012 Regular Session.

Sincerely,

Anitere Flores

CC: The Honorable Arthenia Joyner, Vice Chair, Committee on Judiciary
Ms. Debbie Brown, Interim Secretary
Mr. Craig Meyer, Chief of Staff

REPLY TO

10691 North Kendall Drive, Suite 309, Miami, Florida 33176 (305) 270-6550
116 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5130

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Caption: Committee on Judiciary

Case:

Judge:

Type:

Started: 10/18/2011 10:49:17 AM

Ends: 10/18/2011 11:18:31 AM Length: 00:29:15

10:49:27 AM Meeting Call to Order by Chair
10:49:36 AM CAA Called Roll
10:49:51 AM Senator Joyner stated that Senator Flores has a letter to be excused
10:50:39 AM Interim Project 2012-130 - Regarding Foreclosure (stated that the report is not ready)
10:51:50 AM SB 186 by Senator Ring (presented by Joel, Leg. Aide)
10:52:50 AM Amendment 291562 by Senator Richter
10:53:19 AM Amendment 291562 - Favorable
10:53:24 AM Amendment 288112 - by Senator Richter
10:53:43 AM Amendment 288112 - Favorable
10:53:49 AM Travelling Amendment - No action need to be taken
10:54:09 AM Brian Pitts with Justice-2-Jesus
10:54:50 AM Questions by Members
10:55:16 AM Senator Richter motion to CS SB 186 - Favorable
10:55:18 AM SB 186 by Senator Ring - Favorable as a CS
10:55:34 AM Presentations on issues related to Electronic Filing of Court documents
10:56:55 AM Ms. Karen Rushing with Clerks of Courts
10:58:22 AM Mr. Thomas D. Hall with Florida Court System
10:58:25 AM Senator Joyner thanked each Speaker for the presence
11:00:00 AM Mr. John Tomasino with the Florida Public Defender Association
11:02:57 AM Questions by Members
11:03:17 AM Mr. Tomasino - Closing
11:05:49 AM Mr. Thomas Morris - IT Director SAOS - with FPAA
11:08:35 AM Questions by Members
11:15:18 AM SM 240 by Senator Evers (presented by Mike Bascom, Leg. Aide)
11:17:35 AM SM 240 by Senator Evers - Favorable
11:18:07 AM Senator Gardiner motion to adjourn