

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Flores, Chair
Senator Joyner, Vice Chair

MEETING DATE: Monday, April 4, 2011

TIME: 3:15 —5:15 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	SJR 1672 Flores (Compare HJR 7039)	Retention of Justices or Judges; Proposes amendments to the State Constitution to increase the vote required to retain a justice or judge in a judicial office and to provide for the increased vote requirement to apply beginning with retention elections during the 2012 General Election. EE RC JU 03/28/2011 Not Considered JU 04/04/2011 Temporarily Postponed BC	Temporarily Postponed
2	SJR 1704 Hays (Compare HJR 7037)	Judicial Qualifications Commission; Proposes an amendment to the State Constitution to require that certain proceedings, records, and materials of the Judicial Qualifications Commission be open to the public and to require the commission to notify the Speaker of the House of Representatives of complaints received or initiated, investigations conducted, and complaints concluded. JU 03/28/2011 Not Considered JU 04/04/2011 Favorable GO RC	Favorable Yeas 6 Nays 1
Consideration of proposed committee bill:			
3	SPB 7222	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.	Submitted as Committee Bill

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4	SJR 2084 Judiciary	Repeal of Supreme Court Rule by General Law; Proposes an amendment to the State Constitution to reduce the vote threshold required for the Legislature to enact a law repealing a rule of court and to prohibit the Supreme Court from readopting a rule repealed by the Legislature for a prescribed period. JU 04/04/2011 Favorable BC RC	Favorable Yeas 5 Nays 2
5	CS/SB 88 Community Affairs / Gaetz (Identical CS/H 43)	Public Employee Compensation; Revises provisions relating to the prohibition against the payment of extra compensation. Prohibits provisions in contracts that provide for severance pay. Allows for severance pay under specified circumstances. Deletes a provision that allows a municipality to pay extra compensation. Repeals provisions relating to a prohibition against severance pay for officers or employees of water management districts, etc. CA 03/07/2011 Fav/CS JU 04/04/2011 Fav/CS GO	Fav/CS Yeas 6 Nays 0
6	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 BC	Not Considered

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7	CS/SB 476 Regulated Industries / Evers (Identical CS/CS/H 883, Compare CS/H 63, CS/H 5007, CS/S 366, CS/S 1824)	Public Lodging Establishments; Provides that vacation rentals are residential property for purposes of provisions related to the treatment of such properties. Providing that public lodging establishments formerly classified as resort condominiums and resort dwellings are classified as vacation rentals. Revises mandatory education requirements for certain violations. Revises membership of the advisory council of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, etc. RI 03/22/2011 Fav/CS JU 04/04/2011 Not Considered BC	Not Considered
8	CS/SJR 658 Community Affairs / Fasano (Similar CS/CS/CS/HJR 381, Compare HJR 273, HJR 537, 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 BC RC	Not Considered
9	SB 1722 Fasano (Compare CS/CS/CS/HJR 381, 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 BC RC	Not Considered

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10	SB 844 Benacquisto (Similar CS/H 575)	Violations/Probation/Community Control/Widman Act; Creates the "Officer Andrew Widman Act." Authorizes a circuit court judge, after making a certain finding, to issue a warrant for the arrest of a probationer or offender who has violated the terms of probation or community control. Authorizes the court to commit or release the probationer or offender under certain circumstances. Authorizing the court, in determining whether to require or set the amount of bail, to consider the likelihood that the person will be imprisoned for the violation of probation or community control, etc. CJ 03/22/2011 Fav/1 Amendment JU 04/04/2011 Favorable BC	Favorable Yeas 6 Nays 0
11	CS/SB 926 Commerce and Tourism / Storms (Similar CS/H 405)	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. CM 03/16/2011 Fav/CS CF 03/22/2011 Favorable JU 04/04/2011 Not Considered	Not Considered
12	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 TR	Not Considered
13	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 CF ED BC	Not Considered

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14	SB 1294 Hays (Compare H 1273)	Application of Foreign Law; Specifies the public policy of this state in applying the choice of a foreign law, legal code, or system under certain circumstances. Declares that certain decisions rendered under such laws, codes, or systems are void. Declares that certain choice of venue or forum provisions in a contract are void. Declares that claims of forum non conveniens or related claims must be denied under certain circumstances. Provides that the act does not apply to a corporation, partnership, or other form of business association, etc. JU 04/04/2011 Favorable CM CF	Favorable Yeas 5 Nays 2
15	SJR 1438 Hays (Identical HJR 1103)	Sovereignty of the State; Proposes an amendment to the State Constitution to assert the sovereignty of the state and refuse to comply with unconstitutional federal mandates. JU 04/04/2011 Favorable GO RC	Favorable Yeas 5 Nays 2
16	CS/SB 1206 Criminal Justice / Negron (Similar CS/H 821)	Eyewitness Identification; Cites this act as the "Eyewitness Identification Reform Act." Requires state, county, municipal, and other law enforcement agencies that conduct lineups to follow certain specified procedures. Requires the eyewitness to sign an acknowledgement that he or she received the instructions about the lineup procedures from the law enforcement agency. Requires the Criminal Justice Standards and Training Commission to create educational materials and conduct training programs on how to conduct lineups in compliance with the act, etc. CJ 03/28/2011 Fav/CS JU 04/04/2011 Fav/CS BC	Fav/CS Yeas 6 Nays 0

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17	CS/CS/SB 402 Community Affairs / Criminal Justice / Negrón (Similar CS/CS/H 45)	Regulation of Firearms and Ammunition; Prohibits specified persons and entities, when acting in their official capacity, from regulating or attempting to regulate firearms or ammunition in any manner except as specifically authorized by s. 790.33, F.S., by general law, or by the State Constitution. Eliminates provisions authorizing counties to adopt an ordinance requiring a waiting period between the purchase and delivery of a handgun. Provides a penalty for knowing and willful violations of prohibitions, etc. CJ 02/08/2011 Fav/CS CA 03/21/2011 Fav/CS JU 04/04/2011 Favorable RC	Favorable Yeas 5 Nays 2
18	CS/CS/SB 432 Health Regulation / Criminal Justice / Evers (Compare CS/H 155) (If Received)	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 BC	Not Considered
19	SB 2064 Children, Families, and Elder Affairs	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. CF 03/28/2011 Favorable JU 04/04/2011 Not Considered BC	Not Considered

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20	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 GO	Not Considered
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 BC	Not Considered
22	SB 1398 Bogdanoff (Compare H 4067, H 4135, H 4137, CS/H 7023, H 7115, H 7117, H 7125, 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 BC	Not Considered

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23	SB 2040 Judiciary (Compare H 691, S 518, S 1896)	Unauthorized Immigrants; Requires every employer to use the federal program for electronic verification of employment eligibility in order to verify the employment eligibility of each employee hired on or after a specified date. Provides an exception in the case of employees who present specified documents to the employer. Requires the Attorney General to request from the Department of Homeland Security a list of employers who are registered with the E-Verify Program and to post that list to the Attorney General's website, etc. JU 04/04/2011 Fav/CS CJ BC	Fav/CS Yeas 5 Nays 2
24	SB 318 Siplin (Identical H 55)	Postsecondary Student Fees; Provides an exemption from payment of nonresident tuition at a state university or a Florida College System institution for an undocumented student who meets specified requirements. Requires the Board of Governors of the State University System to adopt regulations and the State Board of Education to adopt rules. JU 03/14/2011 Temporarily Postponed JU 04/04/2011 Fav/CS HE CJ BC	Fav/CS Yeas 7 Nays 0