



Judiciary Committee

Tuesday, April 12, 2011

1:00 PM

404 HOB

Action Packet

Dean Cannon
Speaker

William Snyder
Chair

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

Summary:

Judiciary Committee

Tuesday April 12, 2011 01:00 pm

CS/HB 81	Favorable	Yeas: 17	Nays: 1
CS/CS/HB 155	Favorable	Yeas: 15	Nays: 3
CS/HB 201	Favorable	Yeas: 18	Nays: 0
CS/HB 391	Favorable	Yeas: 13	Nays: 4
CS/HB 405	Favorable	Yeas: 18	Nays: 0
CS/HB 815	Favorable With Committee Substitute	Yeas: 18	Nays: 0
CS/HB 821	Favorable With Committee Substitute	Yeas: 16	Nays: 2
HB 927	Favorable	Yeas: 17	Nays: 0
CS/HB 941	Favorable With Committee Substitute	Yeas: 16	Nays: 0
CS/HB 1193	Favorable	Yeas: 11	Nays: 6
HB 1247	Favorable	Yeas: 13	Nays: 4

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Dennis Baxley	X		
Daphne Campbell	X		
Eric Eisnaugle	X		
Matt Gaetz	X		
Tom Goodson	X		
Bill Hager	X		
Shawn Harrison	X		
John Julien	X		
Charles McBurney	X		
Larry Metz	X		
Kathleen Passidomo	X		
Ray Pilon	X		
Ari Porth	X		
Elaine Schwartz	X		
Darren Soto	X		
Richard Steinberg	X		
W. Gregory Steube	X		
Totals:	18	0	0

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 81 : Treatment-based Drug Court Programs

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle		X			
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 1			

Appearances:

CS/HB 81

Daniels, Nancy (State Employee) - Waive In Support
Public Defender, 2nd circuit
Leon County Courthouse 301 S Monroe Street
Tallahassee FL 32301
Phone: 850-606-1010

CS/HB 81

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

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/CS/HB 155 : Privacy of Firearm Owners

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz		X			
Darren Soto	X				
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 3			

Appearances:

CS/CS/HB 155

Steward, Dawn (General Public) - Opponent
Vice President, Education, Florida PTA
2130 Blossom Lane
Winter Park FL 32789
Phone: 407-645-0273

CS/CS/HB 155

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

CS/CS/HB 155

St. Petery, Louis (General Public) - Opponent
Florida Pediatric Society/Florida Chapter AAP
1430 E. Piedmont Drive
Tallahassee FL 32308
Phone: (850) 224-3939

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/CS/HB 155

Hammer, Marion (Lobbyist) - Proponent

NRA and Unified Sportsmen of Florida

P.O Box 1387

Tallahassee FL 32302

Phone: 850-222-9518

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 201 : Negligence

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

Appearances:

CS/HB 201

Newsome, Rich (General Public) - Proponent

Florida Justice Association

1405 Spring Lake Dr

Orlando FL 32804

CS/HB 201

Lampe, Doug (General Public) - Opponent

Ford Motor Company

1 American Rd, Suite 421-A4

Dearborn MI 48126

Phone: 313-594-4111

CS/HB 201

Wells, Charles (Lobbyist) - Opponent

Florida Justice Reform Institute

301 East Pine Street

Orlando FL

Phone: 407-843-8880

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 201

Meros, George (Lobbyist) - Opponent

U.S. Chamber of Commerce

301 S. Bronough

Tallahassee FL 32302

Phone: 850-577-5487

CS/HB 201

Reeves, Teye (Lobbyist) - Opponent

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee FL

Phone: 850-521-1235

CS/HB 201

Blumberg, Edward (General Public) - Proponent

100 N Biscayne Blvd, #2802

Miami FL 33132

Phone: 305-358-6329

CS/HB 201

Gonzalez, Jose (Lobbyist) - Waive In Support

Associated Industries of Florida

PO Box 784

Tallahassee FL 32302

Phone: (850)224-7173

CS/HB 201

Krueger, Leslie (General Public) - Information Only

Florida Association for Auto Safety

2925 PGA Blvd

Palm Beach Gardens FL 33410

Phone: 561-515-1400

CS/HB 201

Kottkamp, Jeff (Lobbyist) - Proponent

Estate of Trooper Patrick Ambrose

Tallahassee

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 201 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn
4-12-11*

1 Committee/Subcommittee hearing bill: Judiciary

2 Representative(s) O'Toole offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 768.81, Florida Statutes, is amended to
7 read:

8 768.81 Comparative fault.—

9 (1) DEFINITIONS ~~DEFINITION~~.—As used in this section, the
10 term:

11 (a) "Accident" means the events and actions that relate to
12 the incident as well as those events and actions that relate to
13 the alleged defect or injuries, including enhanced injuries.

14 (b) "Economic damages" means past lost income and future
15 lost income reduced to present value; medical and funeral
16 expenses; lost support and services; replacement value of lost
17 personal property; loss of appraised fair market value of real
18 property; costs of construction repairs, including labor,
19 overhead, and profit; and any other economic loss that ~~which~~

Amendment No. 1

20 would not have occurred but for the injury giving rise to the
21 cause of action.

22 (c) "Negligence action" means, without limitation, a civil
23 action for damages based upon a theory of negligence, strict
24 liability, products liability, professional malpractice whether
25 couched in terms of contract or tort, or breach of warranty and
26 like theories. The substance of an action, not conclusory terms
27 used by a party, determines whether an action is a negligence
28 action.

29 (d) "Products liability action" means a civil action based
30 upon a theory of strict liability, negligence, breach of
31 warranty, nuisance, or similar theories for damages caused by
32 the manufacture, construction, design, formulation,
33 installation, preparation, or assembly of a product. The term
34 includes an action alleging that injuries received by a claimant
35 in an accident were greater than the injuries the claimant would
36 have received but for a defective product. The substance of an
37 action, not the conclusory terms used by a party, determines
38 whether an action is a products liability action.

39 (2) EFFECT OF CONTRIBUTORY FAULT.—In a negligence an
40 action to which this section applies, any contributory fault
41 chargeable to the claimant diminishes proportionately the amount
42 awarded as economic and noneconomic damages for an injury
43 attributable to the claimant's contributory fault, but does not
44 bar recovery.

45 (3) APPORTIONMENT OF DAMAGES.—In a negligence action eases
46 to which this section applies, the court shall enter judgment
47 against each party liable on the basis of such party's

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 201 (2011)

Amendment No. 1

48 percentage of fault and not on the basis of the doctrine of
49 joint and several liability.

50 (a)1. In order to allocate any or all fault to a nonparty,
51 a defendant must affirmatively plead the fault of a nonparty
52 and, absent a showing of good cause, identify the nonparty, if
53 known, or describe the nonparty as specifically as practicable,
54 either by motion or in the initial responsive pleading when
55 defenses are first presented, subject to amendment any time
56 before trial in accordance with the Florida Rules of Civil
57 Procedure.

58 ~~2.(b)~~ In order to allocate any or all fault to a nonparty
59 and include the named or unnamed nonparty on the verdict form
60 for purposes of apportioning damages, a defendant must prove at
61 trial, by a preponderance of the evidence, the fault of the
62 nonparty in causing the plaintiff's injuries.

63 (b) In a products liability action alleging that injuries
64 received by a claimant in an accident were enhanced by a
65 defective product, the trier of fact shall consider the fault of
66 all persons who contributed to the accident when apportioning
67 fault between or among them. The jury shall be appropriately
68 instructed by the trial judge on the apportionment of fault in
69 products liability actions where there are allegations that the
70 injuries received by the claimant in an accident were enhanced
71 by a defective product. The rules of evidence apply to these
72 actions.

73 (4) APPLICABILITY.—

74 ~~(a) This section applies to negligence cases. For purposes~~
75 ~~of this section, "negligence cases" includes, but is not limited~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 201 (2011)

Amendment No. 1

76 ~~to, civil actions for damages based upon theories of negligence,~~
77 ~~strict liability, products liability, professional malpractice~~
78 ~~whether couched in terms of contract or tort, or breach of~~
79 ~~warranty and like theories. In determining whether a case falls~~
80 ~~within the term "negligence cases," the court shall look to the~~
81 ~~substance of the action and not the conclusory terms used by the~~
82 ~~parties.~~

83 (b) This section does not apply to any action brought by
84 any person to recover actual economic damages resulting from
85 pollution, to any action based upon an intentional tort, or to
86 any cause of action as to which application of the doctrine of
87 joint and several liability is specifically provided by chapter
88 403, chapter 498, chapter 517, chapter 542, or chapter 895.

89 (5) MEDICAL MALPRACTICE.—Notwithstanding anything in law
90 to the contrary, in an action for damages for personal injury or
91 wrongful death arising out of medical malpractice, whether in
92 contract or tort, if when an apportionment of damages pursuant
93 to this section is attributed to a teaching hospital as defined
94 in s. 408.07, the court shall enter judgment against the
95 teaching hospital on the basis of such party's percentage of
96 fault and not on the basis of the doctrine of joint and several
97 liability.

98 Section 2. The Legislature intends that this act be
99 applied retroactively and overrule *D'Amario v. Ford Motor Co.*,
100 806 So. 2d 424 (Fla. 2001), which adopted what the Florida
101 Supreme Court acknowledged to be a minority view. That minority
102 view fails to apportion fault for damages consistent with
103 Florida's statutory comparative fault system, codified in s.

Amendment No. 1

104 768.81, Florida Statutes, and leads to inequitable and unfair
105 results, regardless of the damages sought in the litigation. The
106 Legislature finds that, in a products liability action as
107 defined in this act, fault should be apportioned among all
108 responsible persons.

109 Section 3. This act is remedial in nature and applies
110 retroactively. The Legislature finds that the retroactive
111 application of this act does not unconstitutionally impair
112 vested rights. Rather, the law affects only remedies, permitting
113 recovery against all tortfeasors while lessening the ultimate
114 liability of each consistent with this state's statutory
115 comparative fault system, codified in s. 768.81, Florida
116 Statutes. In all cases, the Legislature intends that this act be
117 construed consistent with the due process provisions of the
118 State Constitution and the Constitution of the United States.

119 Section 4. This act shall take effect upon becoming a law.
120
121
122

123 -----
124 **T I T L E A M E N D M E N T**

125 Remove the entire title and insert:

126 An act relating to negligence; amending s. 768.81, F.S.;
127 defining the terms "accident," "negligence action," and
128 "products liability action"; requiring the trier of fact to
129 consider the fault of all persons who contributed to an accident
130 when apportioning damages in a products liability action
131 alleging an enhanced injury; requiring the jury instructions to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 201 (2011)

Amendment No. 1

132 | apportion certain fault in a products liability action;
133 | providing the rules of evidence apply; providing legislative
134 | intent to overrule a judicial opinion; providing a legislative
135 | finding that fault should be apportioned among all responsible
136 | persons in a products liability action; providing for
137 | retroactive application of the act; providing a legislative
138 | finding that the retroactive application of the act does not
139 | impair vested rights; providing an effective date.

140

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 391 : Expert Testimony

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager			X		
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 13		Total Nays: 4			

Appearances:

CS/HB 391

Gonzalez, Jose (Lobbyist) - Waive In Support
Associated Industries of Florida
PO Box 784
Tallahassee FL 32302
Phone: (850)224-7173

CS/HB 391

Reeves, Teye (Lobbyist) - Waive In Support
Florida Chamber of Commerce
136 S. Bronough Street
Tallahassee FL
Phone: 850-521-1235

CS/HB 391

Meros, George (Lobbyist) - Waive In Support
U.S. Chamber of Commerce
301 S. Bronough
Tallahassee FL 32302
Phone: 850-577-5487

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 391

Winn, Stephen (Lobbyist) - Waive In Support

Florida Osteopathic Medical Association

2007 Apalachee Pky

Tallahassee FL 32301

Phone: (850)878-3056

CS/HB 391

Jacquis, Michelle (Lobbyist) - Waive In Support

Florida Medical Association

PO Box 10269

Tallahassee FL 32302

Phone: (850)224-6496

CS/HB 391

Cochran, Tony (Lobbyist) - Proponent

Florida Justice Reform Institute

3127 Maple Drive

Atlanta FL 30305

Phone: 404-233-4171

CS/HB 391

Rafferty, Troy (General Public) - Opponent

Florida Justice Association

316 S. Bayles

Pensacola FL

Phone: 850-435-7163

CS/HB 391

Ober, Mark (State Employee) - Opponent

State Attorney, 13th Circuit

419 Pierce Street

Tampa FL 33602

Phone: 813-274-1900

CS/HB 391

Shepherd, William (General Public) - Proponent

222 Lakeview Ave, Suite 1000

West Palm Beach FL 33401

Phone: 561-650-8338

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 405 : Employment Liability for Persons with Disabilities

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

Appearances:

CS/HB 405

Padgett, Samantha (Lobbyist) - Waive In Support

Florida Retail Federation

PO Box 10024

Tallahassee FL 32302-2024

Phone: (850)222-4082

CS/HB 405

Reeves, Teye (Lobbyist) - Waive In Support

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee FL

Phone: 850-521-1235

CS/HB 405

Gonzalez, Jose (Lobbyist) - Waive In Support

Associated Industries of Florida

PO Box 784

Tallahassee FL 32302

Phone: (850)224-7173

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 815 : Powers of Attorney

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 18		Total Nays: 0			

Appearances:

CS/HB 815

Kinney, Allison (Lobbyist) - Waive In Support

Florida Bankers Association
1001 Thomasville Rd Ste 201
Tallahassee FL 32303
Phone: (850)224-2265

CS/HB 815

Adams, Howard "Gene" (Lobbyist) - Waive In Support

Real Property, Probate and Trust Law Section of the Florida Bar
215 S Monroe St
Tallahassee FL 32301
Phone: 850-222-3533

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 815 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favourable
4.12.11*

1 Committee/Subcommittee hearing bill: Judiciary
2 Representative(s) Harrison offered the following:

3
4 **Amendment**

5 Remove lines 254-255 and insert:

6 2011, is conditioned on the principal's lack of capacity, and
7 the power

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 815 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

*Yamable
4.12.11*

1 Committee/Subcommittee hearing bill: Judiciary
2 Representative(s) Harrison offered the following:

3

4 **Amendment**

5 Remove lines 571-574 and insert:

6 (1) (a) A third person who in good faith accepts a power of
7 attorney executed in the manner required by existing law at the
8 time of its execution may rely upon the power of attorney and
9 the actions of the agent that are reasonably within the scope of
10 the agent's authority and may enforce any obligation created by
11 the actions of the agent as if:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 815 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
4.12.11*

1 Committee/Subcommittee hearing bill: Judiciary
2 Representative(s) Harrison offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line 1002 and insert:
6 on or after October 1, 2011, and to acts of the agent

7
8
9 -----

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

11 Remove line 77 and insert:
12 providing for powers of attorney executed on or after the

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 821 : Eyewitness Identification

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 16		Total Nays: 2			

Appearances:

CS/HB 821

Westfall, Eric (General Public) - Waive In Opposition
Lieutenant, Volusia County Sheriff's Office
123 W. Indiana Ave
Deland FL 32720
Phone: 386-248-1777

CS/HB 821

Daniels, Nancy (State Employee) - Proponent
Public Defender, 2nd circuit
Leon County Courthouse 301 S Monroe Street
Tallahassee FL 32301
Phone: 850-606-1010

CS/HB 821

Romine, David (General Public) - Waive In Opposition
Florida Police Chiefs Association
200 76th Ave
St. Pete Beach FL 33706
Phone: 727-363-9210

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 821

Miller, Seth (General Public) - Proponent

Executive Director, Innocence Project of Florida

1100 E Park Ave

Tallahassee FL 32301

Phone: 850-561-6767

CS/HB 821

Cromwell, Robert (General Public) - Proponent

Board Member, Innocence Project

400 Beach Dr, NE, #1803

St. Petersburg FL 33701

Phone: 727-772-3719

CS/HB 821

Campbell, Larry (General Public) - Waive In Support

Sheriff, Leon County

P O Box 727

Tallahassee FL 32302

Phone: 850-922-3345

CS/HB 821

Crotzer, Alan (General Public) - Proponent

Exoneree, Innocence Project

1951 N Meridian Rd, #71

Tallahassee FL 32303

Phone: 850-210-7816

CS/HB 821

Greenberg, Jennifer - Proponent

Executive Director, Florida Capital Resource Center

1109 Spottswood Drive

Tallahassee FL 32308

Phone: (850)443-3240

CS/HB 821

Bilbao, Ron (State Employee) - Waive In Support

American Civil Liberties Union of Florida

4500 Biscayne Blvd, Suite 340

Miami Florida 33137

Phone: 919-923-7288

CS/HB 821

Hurley, Lisa (General Public) - Waive In Support

Florida Association of Criminal Defense Lawyers

P O Box 10007

Tallahassee FL 32302

Phone: 850-224-2001

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 821

Coats, Jim - Opponent

Florida Sheriff's Association

P.O. Box 2500

Largo FL 33779

Phone: 727-420-7280

CS/HB 821

Bustle, Electra (Lobbyist) - Opponent

Palm Beach County Sheriffs Office

120 S Monroe St

Tallahassee FL 32301

Phone: 850-671-4401

CS/HB 821

Campbell, Larry (General Public) - Waive In Opposition

Sheriff, Leon County

P O Box 727

Tallahassee FL 32302

Phone: 850-922-3345

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 821 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
4.12.11*

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Eyewitness identification.-

7 (1) SHORT TITLE.-This section may be cited as the "2011
8 Eyewitness Identification Policies Act."

9 (2) The Legislature believes that it is critical to
10 establish appropriate standards for the effective administration
11 of live lineups and photo arrays in an effort to promote
12 accurate and reliable eyewitness identification and to minimize
13 the possibility of erroneous eyewitness identifications.

14 (3) Each state and local law enforcement agency in Florida
15 shall establish and implement written policies and procedures
16 addressing eyewitness identification. The policies and
17 procedures must include, at a minimum, the following:

Amendment No. 1

18 (a) A description of how live lineups and photo lineups
19 will be created and conducted to maintain the neutrality and
20 impartiality of the lineup process.

21 (b) A standard set of instructions that the witness must
22 be given before reviewing the live lineup or photo array that
23 includes the following:

24 1. The person of interest might or might not be in the
25 lineup or photo array;

26 2. The witness does not have to make an identification;

27 3. It is as important to exclude innocent persons as it is
28 to identify the perpetrators; and

29 4. The investigation will continue with or without an
30 identification.

31 (c) A description of how an eyewitness will indicate that a
32 positive identification has been made.

33 (d) A description of how an eyewitness will acknowledge
34 receipt of the instructions outlined in paragraph (b).

35 (e) A description of any other documentation requirements
36 deemed necessary by the agency to conduct live lineups or photo
37 arrays.

38 (4) Each state and local law enforcement agency must submit
39 such policies and procedures to its respective State Attorney by
40 November 1, 2011. Every State Attorney shall maintain the
41 policies and procedures submitted to them.

42 (5) By July 1, 2011, the Florida Prosecuting Attorneys
43 Association shall develop draft jury instructions regarding
44 evaluating eyewitness identification testimony in criminal cases

Amendment No. 1

45 and forward such jury instructions to the Supreme Court
46 Committee for consideration.

47 (6) The Criminal Justice Standards and Training Commission,
48 in consultation with the Florida Department of Law Enforcement,
49 shall create educational materials and make available to state
50 and local law enforcement agencies training programs regarding
51 the minimum standards for eyewitness identification procedures
52 and practices described in subsection (3). Each state and local
53 law enforcement agency shall provide eyewitness identification
54 procedures training to its law enforcement personnel.

55 Section 2. This act shall take effect July 1, 2011.

56 -----

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

58 Remove the entire title and insert:

59 An act relating to eyewitness identification; providing a short
60 title; requiring state and county law enforcement agencies to
61 establish and implement written policies and procedures
62 addressing eyewitness identification; specifying the
63 requirements of the policies and procedures; requiring state and
64 county agencies to submit such policies and procedures to the
65 State Attorney by November 1, 2011; requiring the Florida
66 Prosecuting Attorneys Association to develop draft jury
67 instructions to be submitted to the Supreme Court for
68 consideration by July 1, 2011; requiring the Criminal Justice
69 Standards and Training Commission to develop and make available
70 to state and county agencies educational materials regarding the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 821 (2011)

Amendment No. 1

71 standards for eyewitness identification procedures and practices
72 in compliance with the act; providing an effective date.

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

HB 927 : Adverse Possession

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)				X	
Total Yeas: 17		Total Nays: 0			

Appearances:

HB 927

Furst, Bill (General Public) - Waive In Support

Sarasota County Property Appraiser

8377 Shadow Pine Way

Sarasota FL 34238

Phone: 941-544-8819

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 941 : Construction Liens

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle			X		
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz				X	
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

CS/HB 941

Lawson, Deborah (Lobbyist) - Waive In Support

National Assn of Credit Mgt-Improved Construction Practices Committee

PO Box 22827

Tampa FL 33622

Phone: (850)878-1606

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 941 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
4-12-11*

1 Committee/Subcommittee hearing bill: Judiciary
2 Representative(s) Moraitis offered the following:

3
4
5
6

Amendment

Remove line 83 and insert:

part and did not have actual notice that the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 941 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
4.12.11*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative(s) Baxley offered the following:

3

4 **Amendment**

5 Remove line 118 and insert:

6 713.01(23) and must be listed as the owner together with a
7 statement that the ownership interest is a leasehold interest.

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
4-12-11*

1 Committee/Subcommittee hearing bill: Judiciary

2 Representative(s) Baxley offered the following:

3

4 **Amendment**

5 Remove lines 144-207 and insert:

6 3. Owner information or lessee information if the lessee
7 contracted for the improvement:.....

8 a. Name and address:.....

9 b. Interest in property:.....

10 c. Name and address of fee simple titleholder (if
11 different from owner listed above other than Owner):.....

12 4.a. Contractor: ...(name and address)....

13 b. Contractor's phone number:.....

14 5. Surety: ...(if applicable, a copy of the payment bond
15 is attached)...

16 a. Name and address:.....

17 b. Phone number:.....

18 c. Amount of bond: \$.....

19 6.a. Lender: ...(name and address)....

Amendment No. 3

20 b. Lender's phone number:.....

21 7.a. Persons within the State of Florida designated by
22 Owner upon whom notices or other documents may be served as
23 provided by Section 713.13(1)(a)7., Florida Statutes: ... (name
24 and address)....

25 b. Phone numbers of designated persons:.....

26 8.a. In addition to himself or herself, Owner designates
27 of to receive a copy of the Lienor's
28 Notice as provided in Section 713.13(1)(b), Florida Statutes.

29 b. Phone number of person or entity designated by
30 owner:.....

31 9. Expiration date of notice of commencement (the
32 expiration date should not be prior to completion of
33 construction and final payment to the contractor, but will be is
34 1 year from the date of recording unless a different date is
35 specified).....

36
37 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
38 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
39 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA
40 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
41 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
42 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
43 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
44 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
45 COMMENCEMENT.

Amendment No. 3

47 Under penalty of perjury, I declare that I have read the
48 foregoing notice of commencement and that the facts stated
49 therein are true to the best of my knowledge and belief.

50
51 ... (Signature of Owner or Owner's or Lessee's Authorized
52 Officer/Director/Partner/Manager)...

53
54 ... (Signatory's Title/Office)...

55
56 The foregoing instrument was acknowledged before me this
57 day of, ... (year)...., by ... (name of person)... as ... (type
58 of authority, . . . e.g. officer, trustee, attorney in fact)...
59 for ... (name of party on behalf of whom instrument was
60 executed)....

61
62 ... (Signature of Notary Public - State of Florida)...

63 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

64 Personally Known OR Produced Identification

65 Type of Identification Produced.....

66
67 ~~Verification pursuant to Section 92.525, Florida Statutes.~~

68
69 ~~Under penalties of perjury, I declare that I have read the~~
70 ~~foregoing and that the facts stated in it are true to the best~~
71 ~~of my knowledge and belief.~~

72
73 ~~... (Signature of Natural Person Signing Above)...~~

74

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

CS/HB 1193 : Health Insurance

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson				X	
Bill Hager	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
	Total Yeas: 11	Total Nays: 6			

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

HB 1247 : Parental Notice of Abortion

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager			X		
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 13		Total Nays: 4			

Appearances:

HB 1247

Zdravecky, Barbara (General Public) - Opponent
CEO, Planned Parenthood
736 Central Ave
Sarasota FL 34236
Phone: 941-365-3913

HB 1247

Warren, Bill - Waive In Support
Florida Family Action
4853 S. Orange Avenue
Orlando Florida 32806

HB 1247

McCarron, Mike (Lobbyist) - Waive In Support
Executive Director, Florida Catholic Conference
201 W Park Ave
Tallahassee FL 32301-7715
Phone: (850)205-6820

HB 1247

Ahern, Maureen - Proponent
3201 70th Way N
St Petersburg FL
Phone: (727) 381-2166

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM

COMMITTEE MEETING REPORT

Judiciary Committee

4/12/2011 1:00:00PM

Location: 404 HOB

HB 1247

Bunkley, William (Lobbyist) - Waive In Support

Florida Baptist Convention

1639 Jaclif Ct

Tallahassee FL 32308

Phone: (813)264-2977

HB 1247

DeVane, Barbara (Lobbyist) - Waive In Opposition

Florida National Organization for Women, Inc

6825 NW 43rd Place

Gainesville FL 32606

Phone: (850)251-4280

Committee meeting was reported out: Tuesday, April 12, 2011 6:04:21PM