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# **Civil Justice Subcommittee**

**Monday, March 21, 2011**

**4:00 PM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**Eric Eisnaugle  
Chair**

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

### Summary:

#### Civil Justice Subcommittee

Monday March 21, 2011 04:00 pm

HB 927	Favorable	Yeas: 15	Nays: 0
HB 941	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 1247	Favorable	Yeas: 9	Nays: 5
HB 1373	Favorable With Committee Substitute	Yeas: 14	Nays: 0
PCB CVJS 11-10	Favorable	Yeas: 10	Nays: 4
PCB CVJS 11-11	Favorable	Yeas: 14	Nays: 0
PCB CVJS 11-12	Favorable	Yeas: 14	Nays: 0
PCB CVJS 11-13	Favorable	Yeas: 14	Nays: 0
PCB CVJS 11-14	Favorable	Yeas: 14	Nays: 0
PCB CVJS 11-15	Favorable	Yeas: 14	Nays: 0
PCB CVJS 11-16	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Eric Eisnaugle (Chair)	X		
Mack Bernard	X		
Clay Ford	X		
Matt Gaetz	X		
Bill Hager	X		
Shawn Harrison	X		
Martin Kiar	X		
Larry Metz	X		
Kathleen Passidomo	X		
Darren Soto	X		
Cynthia Stafford	X		
Kelli Stargel	X		
Richard Steinberg	X		
W. Gregory Steube	X		
Michael Weinstein	X		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

HB 927 : Adverse Possession

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 927

Hill, Alan (General Public) - Proponent  
Captain, Hillsborough County Sheriff's Office  
2008 E 8th Avenue  
Tampa FL 33605  
Phone: 813-363-0375

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

HB 941 : Construction Liens

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 941

Lawson, Deborah (Lobbyist) - Opponent

National Assn of Credit Mgt-Improved Construction Practices Committee

PO Box 22827

Tampa FL 33622

Phone: (850)878-1606

HB 941

Dunbar, Peter (Lobbyist) - Waive In Support

Real Property, Probate & Trust Law Section

c/o The Florida Bar 651 E Jefferson St

Tallahassee FL 32399

Phone: (850)222-3533

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. 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  
3-21-11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative(s) Gaetz offered the following:

3  
4  
5  
6  
7

**Amendment**

Remove line 71 and insert:  
labor, services or materials for improvements being made by a  
lessee may serve written demand on

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

HB 1247 : Parental Notice of Abortion

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard		X			
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar		X			
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto		X			
Cynthia Stafford		X			
Kelli Stargel	X				
Richard Steinberg		X			
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnagle (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 5</b>			

### Appearances:

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

HB 1247

Hopkins, Sheila (Lobbyist) - Waive In Support  
Florida Catholic Conference  
201 W Park Ave  
Tallahassee FL 32301-7715  
Phone: (850)222-3803

HB 1247

Kunkel, Stephanie (Lobbyist) - Opponent  
Florida Alliance of Planned Parenthood Affiliates  
736 Central Ave  
Sarasota FL 34236  
Phone: (850)425-5097

HB 1247

Prendergast, Danielle (Lobbyist) - Opponent  
American Civil Liberties Union of Florida  
540 Beverly Court  
Tallahassee FL

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# **COMMITTEE MEETING REPORT**

## **Civil Justice Subcommittee**

**3/21/2011 4:00:00PM**

**Location: 404 HOB**

**HB 1247**

**Miklowitz, Linda - Opponent**

**Florida ACLU**

**2542 Arthurs Court**

**Tallahassee FL**

**Phone: 850-656-0012**

**HB 1247**

**Bunkley, William (Lobbyist) - Waive In Support**

**Florida Baptist Convention**

**1639 Jaclif Ct**

**Tallahassee FL 32308**

**Phone: (813)264-2977**

**Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM**



# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

HB 1373 : Condominiums

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 1373

Dudley, Charles (Lobbyist) - Waive In Support  
Florida Cable Telecommunications Association, Inc  
246 E 6th Ave  
Tallahassee FL 32303  
Phone: (850)681-0024

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1373 (2011)

Amendment No. 1A

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  
3-21-11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative(s) Gaetz offered the following:

3  
4 **Substitute Amendment for Amendment (1) by Representative**  
5 **Sands**

6 Remove lines 20-23 and insert:  
7 and valet service. This subsection does not apply to limited  
8 common elements intended to be used only by that unit, common  
9 elements that must be used to access the unit, utility services

10

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1373 (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	_____	

*Superseded by  
Substitute  
Amendment  
3.21.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative(s) Sands offered the following:

3

4 **Amendment**

5 Remove line 20 and insert:

6 and valet service.

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

**3/21/2011 4:00:00PM**

**Location:** 404 HOB

**PCB CVJS 11-10 : Supreme Court Provisions**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard		X			
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto		X			
Cynthia Stafford		X			
Kelli Stargel	X				
Richard Steinberg		X			
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 4</b>			

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM



Council/Committee/Subcommittee on  
Civil Justice Subcommittee  
Date 3/21/11

*unfavorable*  
*3.21.11*

Action \_\_\_\_\_

**HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY**

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. 1

Bill No. PCB 11-10

(For filing with the Clerk; Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/~~The Council/Committee/Subcommittee on~~ Steinberg

offered the following amendment:

Amendment

on page 1, line(s) 19,

delete line

===== TITLE AMENDMENT =====

Delete lines 9-11 and insert:  
perform duties as directed  
by the court; providing an  
effective date.

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

PCB CVJS 11-11 : Judicial Census Commissions

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

PCB CVJS 11-12 : Executive Officer of Circuit Court

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CVJS 11-12 (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  
3-21-11*

1 Committee/Subcommittee hearing PCB: Civil Justice Subcommittee  
2 Representative(s) Passidomo offered the following:

**Amendment (with title amendment)**

Between lines 9 and 10, insert:

Section 1. Section 34.07, Florida Statutes, is amended to read:

34.07 Sheriff to serve and execute all civil and criminal process ~~be executive officer.~~—The sheriff of the county shall serve and execute all civil and criminal processes of said court and ~~do and perform all duties in and about said court, which are required to be performed by an executive officer.~~

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

Remove the entire title and insert:

An act relating to sheriffs; repealing s. 26.49, F.S.; repealing provision by which the sheriff of a county is the executive



COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CVJS 11-12 (2011)

Amendment No. 1

20 officer of the circuit court; amending s. 34.07; removing  
21 provision requiring sheriff to perform duties of executive  
22 officer of county court; providing an effective date.

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

PCB CVJS 11-13 : District Court

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

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# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

PCB CVJS 11-14 : Offers of Settlement

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Monday, March 21, 2011 8:17:48PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CVJS 11-14 (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  
3-21-11*

1 Committee/Subcommittee hearing PCB: Civil Justice Subcommittee  
2 Representative(s) Soto offered the following:

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

5 Between lines 8 and 9, insert:

6 Section 2. Paragraph (b) of subsection (5) of section  
7 44.102, Florida Statutes, is amended to read:

8 44.102 Court-ordered mediation.—

9 (5)

10 (b) Section ~~Sections 45.061 and 768.79~~ notwithstanding, an  
11 ~~offer of settlement or an~~ offer or demand for judgment may be  
12 made at any time after an impasse has been declared by the  
13 mediator, or the mediator has reported that no agreement was  
14 reached. An offer is deemed rejected as of commencement of  
15 trial.

16 Section 3. Subsection (2) of section 766.209, Florida  
17 Statutes, is amended to read:

18 766.209 Effects of failure to offer or accept voluntary  
19 binding arbitration.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB CVJS 11-14 (2011)

Amendment No. 1

20 (2) If neither party requests or agrees to voluntary  
21 binding arbitration, the claim shall proceed to trial or to any  
22 available legal alternative such as offer of and demand for  
23 judgment under s. 768.79 ~~or offer of settlement under s. 45.061.~~  
24  
25

26 -----  
27 **T I T L E A M E N D M E N T**

28 Remove line 4 and insert:  
29 made prior to 1990; amending s. 44.102; removing cross  
30 reference; amending s. 766.209, F.S.; removing cross reference;  
31 providing an effective date.

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

PCB CVJS 11-15 : Declaratory Judgment Costs

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

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# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/21/2011 4:00:00PM

Location: 404 HOB

PCB CVJS 11-16 : Veteran's Guardianship

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
<b>Total Yeas: 14</b>		<b>Total Nays: 0</b>			

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