



Civil Justice Subcommittee

Wednesday, January 11, 2012

11:30 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Wednesday January 11, 2012 11:30 am

HB 243	Favorable	Yeas: 11	Nays: 4
HB 313	Favorable	Yeas: 13	Nays: 0
HB 671	Favorable	Yeas: 14	Nays: 0
HB 929	Favorable With Committee Substitute Amendment 584141 Adopted Without Objection	Yeas: 11	Nays: 4
HB 971	Favorable With Committee Substitute Amendment 223757 Adopted Without Objection Amendment 252811 Adopted Without Objection Amendment 535253 Withdrawn Amendment 932625 Withdrawn	Yeas: 10	Nays: 5
HB 4155	Favorable	Yeas: 15	Nays: 0
HB 4157	Favorable	Yeas: 15	Nays: 0
PCS for HB 823	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Eric Eisnagle (Chair)	X		
Joseph Abruzzo	X		
Mack Bernard	X		
Matt Gaetz	X		
Bill Hager	X		
Shawn Harrison	X		
Martin Kiar	X		
Larry Metz	X		
Jose Oliva	X		
Kathleen Passidomo	X		
Scott Plakon	X		
Darren Soto	X		
Kelli Stargel	X		
Richard Steinberg	X		
Michael Weinstein	X		
Totals:	15	0	0

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 243 : Expert Testimony

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		X			
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar		X			
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto		X			
Kelli Stargel	X				
Richard Steinberg		X			
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 11		Total Nays: 4			

Appearances:

HB 243

Rafferty, Troy (General Public) - Opponent

Florida Justice Association

316 S. Bayles

Pensacola FL

Phone: 850-435-7163

HB 243

Large, William (Lobbyist) - Waive In Support

Florida Justice Reform Institute

210 S Monroe St

Tallahassee FL 32301-1824

Phone: (850)222-0170

HB 243

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 243

Perdue, Tammy (Lobbyist) - Waive In Support

Associated Industries of Florida

516 N. Adams St.

Tallahassee Florida 32301

Phone: 224-7173

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 243 : Expert Testimony (continued)

Appearances: (continued)

HB 243

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

HB 243

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

HB 243

Iles, Thomas (General Public) - Waive In Support
Director, State Public Affairs
801 17th Street, NW, Suite 200
Washington DC 20006

HB 243

Van Itallie, Theodore (General Public) - Proponent
Johnson & Johnson
35 Battle Rd
Princeton NJ 08540
Phone: 609-252-9455

HB 243

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

HB 243

Winn, Stephen (Lobbyist) - Waive In Support
Florida Osteopathic Medical Association
2007 Apalachee Pky
Tallahassee FL 32301
Phone: (850)878-7463

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 313 : Premises Liability

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison			X		
Martin Kiar	X				
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 313

Ard, Samuel (Lobbyist) - Waive In Support
Florida Cattlemen's Association
PO Box 421929
Kissimmee FL 34742-1929
Phone: (850)577-6500

HB 313

Jess, Paul (Lobbyist) - Information Only
Florida Justice Association
218 S Monroe St
Tallahassee FL 32301
Phone: (850)224-9403

HB 313

Pitts, Brian - Opponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: 727-897-9291

HB 313

Stephens, Lane (Lobbyist) - Waive In Support
Future of Hunting in Florida
201 S Monroe Street, Suite 300
Tallahassee FL 32301
Phone: 850-513-0004

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 313 : Premises Liability (continued)

Appearances: (continued)

HB 313

Perdue, Tamela (Lobbyist) - Waive In Support

Associated Industries of Florida

PO Box 784

Tallahassee FL 32302

Phone: (850)224-7173

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 671 : Liens on Real Property

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 671

Fields, Alan (Lobbyist) - Waive In Support

Florida Land Title Association

249 E. Virginia Street

Tallahassee Florida

Phone: 727-773-6664

HB 671

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 929 : Unfair or Deceptive Acts or Practices Involving Motor Vehicles

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		X			
Mack Bernard		X			
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto		X			
Kelli Stargel	X				
Richard Steinberg		X			
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 11		Total Nays: 4			

HB 929 Amendments

Amendment 584141

Adopted Without Objection

Appearances:

HB 929

Farmer, Gary (General Public) - Opponent

Florida Justice Association

425 N Andrews Ave, #2

Ft. Lauderdale FL 33301

Phone: 954-524-2820

HB 929

Goldsmith, Glen (General Public) - Proponent

Goldsmith & Atlas

9350 S Dixie Hwy, #930

Miami FL

Phone: 305-670-5500

HB 929

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 929 : Unfair or Deceptive Acts or Practices Involving Motor Vehicles (continued)

Appearances: (continued)

HB 929

Vickers, Alice (Lobbyist) - Opponent

Florida Consumer Action Network

623 Beard Street

Tallahassee FL 32303

Phone: 850-556-3121

HB 929

Forehand, John (Lobbyist) - Proponent

Florida Automobile Dealers Association

400 N Meridian St

Tallahassee FL 32301

Phone: (850)391-5060

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 929 (2012)

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
1.11.12*

Committee/Subcommittee hearing bill: Civil Justice Subcommittee
Representative Gaetz offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 501.975, Florida Statutes, is amended
to read:

501.975 Definitions.—As used in this part ~~s. 501.976~~, the
following terms shall have the following meanings:

(1) "Customer" includes a customer's designated agent.

(2) "Dealer" means a motor vehicle dealer as defined in s.
320.27, but does not include a motor vehicle auction as defined
in s. 320.27(1)(c)4.

(3) "Replacement item" means a tire, bumper, bumper
fascia, glass, in-dashboard equipment, seat or upholstery cover
or trim, exterior illumination unit, grill, sunroof, external
mirror and external body cladding. The replacement of up to
three of these items does not constitute repair of damage if
each item is replaced because of a product defect or damaged due

584141 - h0929-strike.docx

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Amendment No. 1

20 to vandalism while the new motor vehicle is under the control of
21 the dealer and the items are replaced with original manufacturer
22 equipment, unless an item is replaced due to a crash, collision,
23 or accident.

24 (4) "Threshold amount" means 3 percent of the
25 manufacturer's suggested retail price of a motor vehicle or
26 \$650, whichever is less.

27 (5) "Vehicle" means any automobile, truck, bus,
28 recreational vehicle, or motorcycle required to be licensed
29 under chapter 320 for operation over the roads of Florida, but
30 does not include trailers, mobile homes, travel trailers, or
31 trailer coaches without independent motive power.

32 Section 2. Section 501.98, Florida Statutes, is created to
33 read:

34 501.98 Demand letter.-

35 (1) As a condition precedent to initiating any civil
36 litigation arising under this part or part II of this Chapter
37 against a motor vehicle dealer, a claimant must give the dealer
38 written notice of the claimant's intent to initiate litigation
39 against the dealer not less than 15 days before initiating the
40 litigation.

41 (2) The notice, which must be completed in good faith,
42 must:

43 (a) State that it is a demand letter under "s. 501.98,
44 Florida Statutes";

45 (b) State the name, address, and telephone number of the
46 claimant;

47 (c) State the name and address of the dealer;

Amendment No. 1

48 (d) Provide the date and a description of the transaction,
49 event, or circumstance that is the basis of the claim;

50 (e) Describe with specificity the underlying facts and how
51 they give rise to an alleged violation of this part or part II;

52 (f) To the extent applicable, be accompanied by all
53 transaction or other documents upon which the claim is based or
54 upon which the claimant is relying to assert the claim; and

55 (g) Include a comprehensive and detailed statement
56 describing each item of actual damage demanded by the claimant
57 and recoverable under this part or part II and the amount
58 claimed for each item of damage, including, if applicable, the
59 formula or basis by which each item of damage was calculated.

60 (3) (a) The notice of the claim must be delivered to the
61 dealer by certified United States mail, return receipt
62 requested. The postal costs shall be reimbursed to the claimant
63 by the dealer if the dealer pays the claim and if the claimant
64 requests reimbursement of the postal costs in the notice of
65 claim.

66 (b) If the dealer is a corporate entity, the notice of
67 claim must be sent to the registered agent of the dealer as
68 recorded with the Department of State and, in the absence of a
69 registered agent, any person listed in s. 48.081(1).

70 (4) Notwithstanding any provision of this part or part II
71 to the contrary, a claimant may not initiate litigation against
72 a dealer for a claim arising under this part or part II related
73 to, or in connection with, the transaction or event described in
74 the notice of claim if the dealer pays the claimant within 15
75 business days after receiving the notice of claim:

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Amendment No. 1

76 (a) The amount requested in the demand letter as specified
77 in paragraph (2)(g); and

78 (b) A surcharge of 10 percent of the amount requested in
79 the demand letter, not to exceed \$500.

80 (5) For the purpose of this section, payment by a dealer
81 is deemed paid on the date a draft or other valid instrument
82 that is equivalent to payment is placed in the United States
83 mail, or other nationally recognized carrier, in a properly
84 addressed, postpaid envelope, or, if not so posted, on the date
85 of delivery.

86 (6) The claimant is not entitled to a surcharge in any
87 proceeding initiated against a dealer under this part or part II
88 if the dealer rejects or ignores the notice of claim.

89 (7) Notwithstanding any provision of this part or part II
90 to the contrary, a dealer is not required to pay the attorney's
91 fees of the claimant in any civil action brought under this part
92 or part II if:

93 (a) The dealer, within 15 business days after receiving
94 the claimant's notice of claim, notifies the claimant in
95 writing, and a court or arbitrator agrees, that the amount
96 claimed is not supported by the facts of the transaction or
97 event described in the notice of claim or by generally accepted
98 accounting principles or includes items not properly recoverable
99 under this part or part II; or

100 (b) The claimant fails to substantially comply with this
101 section.

102 (8) Payment of the actual damages or an offer to pay
103 actual damages as set forth in this section:

Amendment No. 1

104 (a) Does not constitute an admission of any wrongdoing by
105 the dealer;

106 (b) Is protected by s. 90.408; and

107 (c) Serves to release the dealer from any suit, action, or
108 other action that could be brought arising out of or in
109 connection with the transaction, event, or occurrence described
110 in the notice of claim.

111 (9) The applicable statute of limitations for an action
112 under this part or part II is tolled for 15 business days, or
113 such other period of time as agreed to by the parties in
114 writing, by the mailing of the notice required by this section.

115 (10) This section does not apply to:

116 (a) Any claim for actual damages brought and certified as
117 a maintainable class action; or

118 (b) Any action brought by the enforcing authority.

119 (11) The Department of Legal Affairs shall prepare a form
120 demand letter to incorporate the information required by
121 subsection (2) and an explanation of this part or part II and
122 make it available to the public and provided to the customer at
123 the time of transaction. The form shall provide the address
124 where the demand letter must be sent.

125 (12) If a claimant initiates civil litigation under this
126 part or part II without first complying with the requirements of
127 this section, the court, upon a motion by the claimant, may
128 abate the litigation, without prejudice, to permit the claimant
129 to comply with the provisions of this part and allow the dealer
130 the opportunity to accept or reject the demand in accordance
131 with subsection (4).

Amendment No. 1

132 (13) Failure to provide the information required in
133 subsection (11) by the dealer, shall constitute waiver of the
134 notice required under this part.

135 Section 3. Section 501.99, Florida Statutes, is created to
136 read:

137 501.99 Application.—Section 501.98 does not apply to:

138 (1) A claim for personal injury or death or a claim for
139 damage to property other than the property that is the subject
140 of the consumer transaction.

141 (2) The sale of any motor vehicle service agreement as
142 defined in s. 634.011(8), F.S.

143 Section 4. This act shall take effect July 1, 2012.

144

145

146

147

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

148

Remove the entire title and insert:

149

An act relating to deceptive and unfair trade practices;

150

amending 501.975, F.S.; applying the definitions to the new

151

provisions; creating s. 501.98, F.S.; providing written notice

152

requirement; providing for the content of the notice; providing

153

method of delivery of the notice; providing conditions for

154

settling claims; providing for the effective date of payment;

155

limiting availability of surcharge; limiting attorneys fees

156

under certain circumstances; providing effect of payment;

157

providing tolling of statute of limitations; limiting

158

applicability of the section; requiring the Department of Legal

159

Affairs to prepare a form; providing an additional opportunity

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 929 (2012)

Amendment No. 1

160 for claimants to comply with the statute; providing condition
161 constituting waiver of notice; creating s. 501.99, F.S.;
162 providing application of certain provisions; providing an
163 effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 971 : Judiciary

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		X			
Mack Bernard		X			
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar		X			
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto		X			
Kelli Stargel	X				
Richard Steinberg		X			
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 10		Total Nays: 5			

HB 971 Amendments

Amendment 223757

Adopted Without Objection

Amendment 252811

Adopted Without Objection

Amendment 535253

Withdrawn

Amendment 932625

Withdrawn

Appearances:

HB 971, Amendment 223757
Martin, Douglas (Lobbyist) - Opponent
AFSCME Florida Council 79
3064 Highland Oaks Ter
Tallahassee FL 32301
Phone: (850)222-0842

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 971 : Judiciary (continued)

Appearances: (continued)

HB 971

Stargel, John (State Employee) - Waive In Support

Conference of Circuit Judges

2626 Collins Avenue

Lakeland FL

Phone: 863-534-4910

HB 971

Schiff, Louis (State Employee) - Waive In Support

Conference of County Court Judges of Florida

1600 W Hillsboro Boulevard

Deerfield Beach FL 33442

Phone: 954-831-7839

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

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
1-11-12*

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

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (4) is added to section 25.073,
7 Florida Statutes, to read:

8 25.073 Retired justices or judges assigned to temporary
9 duty; additional compensation; appropriation.-

10 (4) For a retired judge who has reached normal retirement
11 age or date under ch. 121 and who has consented to temporary
12 duty in any court, as assigned by the Chief Justice of the
13 Supreme Court in accordance with s. 2, Art. V of the State
14 Constitution:

15 (a) The definition of the term "termination" in s. 121.021
16 does not apply, and termination occurs when the judge ceases all
17 non-temporary, active duty as a judge and retires from the
18 Florida Retirement System.

Amendment No.

19 (b) Section 121.091(9)(c) does not apply, and such
20 temporary duty is not considered reemployment or employment
21 after retirement for purposes of chapter 121 and renewed
22 membership in the Florida Retirement System is not permitted.

23 Section 2. Subsections (1), (3), and (5) of section
24 43.291, Florida Statutes, are amended to read:

25 43.291 Judicial nominating commissions.—

26 (1) Each judicial nominating commission shall be composed
27 of the following members:

28 (a) Four members of The Florida Bar, appointed by the
29 Governor, who are engaged in the practice of law, each of whom
30 is a resident of the territorial jurisdiction served by the
31 commission to which the member is appointed. The Board of
32 Governors of The Florida Bar shall submit to the Governor three
33 recommended nominees for each position. The Governor shall
34 select the appointee from the list of nominees recommended for
35 that position, but the Governor may reject all of the nominees
36 recommended for a position and request that the Board of
37 Governors submit a new list of three different recommended
38 nominees for that position who have not been previously
39 recommended by the Board of Governors.

40 (b) Five members appointed by the Governor who shall serve
41 at the pleasure of the Governor, each of whom is a resident of
42 the territorial jurisdiction served by the commission to which
43 the member is appointed, of which at least two are members of
44 The Florida Bar engaged in the practice of law. Notwithstanding
45 any other law, each current member of a judicial nominating
46 commission appointed by the Governor, other than those selected

223757 - h0971-strike.docx

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Amendment No.

47 from a list of nominees provided by the Board of Governors of
48 The Florida Bar, shall serve at the pleasure of the Governor.

49 (c) Each expired term or vacancy shall be filled by
50 appointment in the same manner as the member whose position is
51 being filled.

52 (3) Notwithstanding any other provision of this section,
53 each current member of a judicial nominating commission selected
54 from a list of nominees provided ~~appointed directly~~ by the Board
55 of Governors of The Florida Bar shall serve the remainder of his
56 or her term, unless removed for cause. ~~The terms of all other~~
57 ~~members of a judicial nominating commission are hereby~~
58 ~~terminated, and the Governor shall appoint new Members~~ selected
59 from a list of nominees provided by the Board of Governors of
60 The Florida Bar shall serve terms ~~to each judicial nominating~~
61 ~~commission~~ in the following manner:

62 (a) One appointment ~~Two appointments for a term terms~~
63 ending July 1, 2012 ~~2002~~, ~~one of which shall be an appointment~~
64 ~~selected from nominations submitted by the Board of Governors of~~
65 ~~The Florida Bar pursuant to paragraph (1)(a);~~

66 (b) Two appointments for terms ending July 1, 2014 ~~2003~~;
67 and

68 (c) One appointment ~~Two appointments for a term terms~~
69 ending July 1, 2015 ~~2004~~.

70
71 Every subsequent appointment of a member selected from a list of
72 nominees provided by the Board of Governors of The Florida Bar,
73 except an appointment to fill a vacant, unexpired term, shall be
74 for 4 years. ~~Each expired term or vacancy shall be filled by~~

Amendment No.

75 ~~appointment in the same manner as the member whose position is~~
76 ~~being filled.~~

77 (5) A member of a judicial nominating commission may be
78 suspended for cause by the Governor ~~pursuant to uniform rules of~~
79 ~~procedure established by the Executive Office of the Governor~~
80 consistent with s. 7, ~~of~~ Art. IV of the State Constitution.

81 Section 3. Subsection (39) of section 121.021, Florida
82 Statutes, is amended to read:

83 121.021 Definitions.—The following words and phrases as
84 used in this chapter have the respective meanings set forth
85 unless a different meaning is plainly required by the context:

86 (39) (a) "Termination" occurs, except as provided in
87 ~~paragraphs~~ paragraph (b) or (d), when a member ceases all
88 employment relationships with participating employers, however:

89 1. For retirements effective before July 1, 2010, if a
90 member is employed by any such employer within the next calendar
91 month, termination shall be deemed not to have occurred. A leave
92 of absence constitutes a continuation of the employment
93 relationship, except that a leave of absence without pay due to
94 disability may constitute termination if such member makes
95 application for and is approved for disability retirement in
96 accordance with s. 121.091(4). The department or state board may
97 require other evidence of termination as it deems necessary.

98 2. For retirements effective on or after July 1, 2010, if
99 a member is employed by any such employer within the next 6
100 calendar months, termination shall be deemed not to have
101 occurred. A leave of absence constitutes a continuation of the
102 employment relationship, except that a leave of absence without

223757 - h0971-strike.docx

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Amendment No.

103 pay due to disability may constitute termination if such member
104 makes application for and is approved for disability retirement
105 in accordance with s. 121.091(4). The department or state board
106 may require other evidence of termination as it deems necessary.

107 (b) "Termination" for a member electing to participate in
108 the Deferred Retirement Option Program occurs when the program
109 participant ceases all employment relationships with
110 participating employers in accordance with s. 121.091(13),
111 however:

112 1. For termination dates occurring before July 1, 2010, if
113 the member is employed by any such employer within the next
114 calendar month, termination will be deemed not to have occurred,
115 except as provided in s. 121.091(13)(b)4.c. A leave of absence
116 shall constitute a continuation of the employment relationship.

117 2. For termination dates occurring on or after July 1,
118 2010, if the member becomes employed by any such employer within
119 the next 6 calendar months, termination will be deemed not to
120 have occurred, except as provided in s. 121.091(13)(b)4.c. A
121 leave of absence constitutes a continuation of the employment
122 relationship.

123 (c) Effective July 1, 2011, "termination" for a member
124 receiving a refund of employee contributions occurs when a
125 member ceases all employment relationships with participating
126 employers for 3 calendar months. A leave of absence constitutes
127 a continuation of the employment relationship.

128 (d) Effective July 1, 2012, a retired judge who has reached
129 normal retirement date and consents to temporary employment as a
130 senior judge in any court, as assigned by the Chief Justice of

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Amendment No.

131 the Supreme Court in accordance with s. 2, Art. V of the State
132 constitution, meets "termination" when all non-temporary
133 employment as a judge ceases and the judge retires under this
134 chapter.

135 Section 4. Subsection (9) of section 121.091, Florida
136 Statutes, is amended to read:

137 121.091 Benefits payable under the system.—Benefits may
138 not be paid under this section unless the member has terminated
139 employment as provided in s. 121.021(39)(a) or begun
140 participation in the Deferred Retirement Option Program as
141 provided in subsection (13), and a proper application has been
142 filed in the manner prescribed by the department. The department
143 may cancel an application for retirement benefits when the
144 member or beneficiary fails to timely provide the information
145 and documents required by this chapter and the department's
146 rules. The department shall adopt rules establishing procedures
147 for application for retirement benefits and for the cancellation
148 of such application when the required information or documents
149 are not received.

150 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

151 (a) Any person who is retired under this chapter, except
152 under the disability retirement provisions of subsection (4),
153 may be employed by an employer that does not participate in a
154 state-administered retirement system and receive compensation
155 from that employment without limiting or restricting in any way
156 the retirement benefits payable to that person.

157 (b) Any person whose retirement is effective before July
158 1, 2010, or whose participation in the Deferred Retirement

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

159 Option Program terminates before July 1, 2010, except under the
160 disability retirement provisions of subsection (4) or as
161 provided in s. 121.053, may be reemployed by an employer that
162 participates in a state-administered retirement system and
163 receive retirement benefits and compensation from that employer,
164 except that the person may not be reemployed by an employer
165 participating in the Florida Retirement System before meeting
166 the definition of termination in s. 121.021 and may not receive
167 both a salary from the employer and retirement benefits for 12
168 calendar months immediately subsequent to the date of
169 retirement. However, a DROP participant shall continue
170 employment and receive a salary during the period of
171 participation in the Deferred Retirement Option Program, as
172 provided in subsection (13).

173 1. A retiree who violates such reemployment limitation
174 before completion of the 12-month limitation period must give
175 timely notice of this fact in writing to the employer and to the
176 Division of Retirement or the state board and shall have his or
177 her retirement benefits suspended for the months employed or the
178 balance of the 12-month limitation period as required in sub-
179 subparagraphs b. and c. A retiree employed in violation of this
180 paragraph and an employer who employs or appoints such person
181 are jointly and severally liable for reimbursement to the
182 retirement trust fund, including the Florida Retirement System
183 Trust Fund and the Public Employee Optional Retirement Program
184 Trust Fund, from which the benefits were paid. The employer must
185 have a written statement from the retiree that he or she is not
186 retired from a state-administered retirement system. Retirement

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Amendment No.

187 benefits shall remain suspended until repayment has been made.
188 Benefits suspended beyond the reemployment limitation shall
189 apply toward repayment of benefits received in violation of the
190 reemployment limitation.

191 a. A district school board may reemploy a retiree as a
192 substitute or hourly teacher, education paraprofessional,
193 transportation assistant, bus driver, or food service worker on
194 a noncontractual basis after he or she has been retired for 1
195 calendar month. A district school board may reemploy a retiree
196 as instructional personnel, as defined in s. 1012.01(2)(a), on
197 an annual contractual basis after he or she has been retired for
198 1 calendar month. Any member who is reemployed within 1 calendar
199 month after retirement shall void his or her application for
200 retirement benefits. District school boards reemploying such
201 teachers, education paraprofessionals, transportation
202 assistants, bus drivers, or food service workers are subject to
203 the retirement contribution required by subparagraph 2.

204 b. A community college board of trustees may reemploy a
205 retiree as an adjunct instructor or as a participant in a phased
206 retirement program within the Florida Community College System,
207 after he or she has been retired for 1 calendar month. A member
208 who is reemployed within 1 calendar month after retirement shall
209 void his or her application for retirement benefits. Boards of
210 trustees reemploying such instructors are subject to the
211 retirement contribution required in subparagraph 2. A retiree
212 may be reemployed as an adjunct instructor for no more than 780
213 hours during the first 12 months of retirement. A retiree
214 reemployed for more than 780 hours during the first 12 months of

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

215 retirement must give timely notice in writing to the employer
216 and to the Division of Retirement or the state board of the date
217 he or she will exceed the limitation. The division shall suspend
218 his or her retirement benefits for the remainder of the 12
219 months of retirement. Any retiree employed in violation of this
220 sub-subparagraph and any employer who employs or appoints such
221 person without notifying the division to suspend retirement
222 benefits are jointly and severally liable for any benefits paid
223 during the reemployment limitation period. The employer must
224 have a written statement from the retiree that he or she is not
225 retired from a state-administered retirement system. Any
226 retirement benefits received by the retiree while reemployed in
227 excess of 780 hours during the first 12 months of retirement
228 must be repaid to the Florida Retirement System Trust Fund, and
229 retirement benefits shall remain suspended until repayment is
230 made. Benefits suspended beyond the end of the retiree's first
231 12 months of retirement shall apply toward repayment of benefits
232 received in violation of the 780-hour reemployment limitation.

233 c. The State University System may reemploy a retiree as
234 an adjunct faculty member or as a participant in a phased
235 retirement program within the State University System after the
236 retiree has been retired for 1 calendar month. A member who is
237 reemployed within 1 calendar month after retirement shall void
238 his or her application for retirement benefits. The State
239 University System is subject to the retired contribution
240 required in subparagraph 2., as appropriate. A retiree may be
241 reemployed as an adjunct faculty member or a participant in a
242 phased retirement program for no more than 780 hours during the

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Amendment No.

243 first 12 months of his or her retirement. A retiree reemployed
244 for more than 780 hours during the first 12 months of retirement
245 must give timely notice in writing to the employer and to the
246 Division of Retirement or the state board of the date he or she
247 will exceed the limitation. The division shall suspend his or
248 her retirement benefits for the remainder of the 12 months. Any
249 retiree employed in violation of this sub-subparagraph and any
250 employer who employs or appoints such person without notifying
251 the division to suspend retirement benefits are jointly and
252 severally liable for any benefits paid during the reemployment
253 limitation period. The employer must have a written statement
254 from the retiree that he or she is not retired from a state-
255 administered retirement system. Any retirement benefits received
256 by the retiree while reemployed in excess of 780 hours during
257 the first 12 months of retirement must be repaid to the Florida
258 Retirement System Trust Fund, and retirement benefits shall
259 remain suspended until repayment is made. Benefits suspended
260 beyond the end of the retiree's first 12 months of retirement
261 shall apply toward repayment of benefits received in violation
262 of the 780-hour reemployment limitation.

263 d. The Board of Trustees of the Florida School for the
264 Deaf and the Blind may reemploy a retiree as a substitute
265 teacher, substitute residential instructor, or substitute nurse
266 on a noncontractual basis after he or she has been retired for 1
267 calendar month. Any member who is reemployed within 1 calendar
268 month after retirement shall void his or her application for
269 retirement benefits. The Board of Trustees of the Florida School
270 for the Deaf and the Blind reemploying such teachers,

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

271 residential instructors, or nurses is subject to the retirement
272 contribution required by subparagraph 2.

273 e. A developmental research school may reemploy a retiree
274 as a substitute or hourly teacher or an education
275 paraprofessional as defined in s. 1012.01(2) on a noncontractual
276 basis after he or she has been retired for 1 calendar month. A
277 developmental research school may reemploy a retiree as
278 instructional personnel, as defined in s. 1012.01(2)(a), on an
279 annual contractual basis after he or she has been retired for 1
280 calendar month after retirement. Any member who is reemployed
281 within 1 calendar month voids his or her application for
282 retirement benefits. A developmental research school that
283 reemploys retired teachers and education paraprofessionals is
284 subject to the retirement contribution required by subparagraph
285 2.

286 f. A charter school may reemploy a retiree as a substitute
287 or hourly teacher on a noncontractual basis after he or she has
288 been retired for 1 calendar month. A charter school may reemploy
289 a retired member as instructional personnel, as defined in s.
290 1012.01(2)(a), on an annual contractual basis after he or she
291 has been retired for 1 calendar month after retirement. Any
292 member who is reemployed within 1 calendar month voids his or
293 her application for retirement benefits. A charter school that
294 reemploys such teachers is subject to the retirement
295 contribution required by subparagraph 2.

296 2. The employment of a retiree or DROP participant of a
297 state-administered retirement system does not affect the average
298 final compensation or years of creditable service of the retiree

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Amendment No.

299 or DROP participant. Before July 1, 1991, upon employment of any
300 person, other than an elected officer as provided in s. 121.053,
301 who is retired under a state-administered retirement program,
302 the employer shall pay retirement contributions in an amount
303 equal to the unfunded actuarial liability portion of the
304 employer contribution which would be required for regular
305 members of the Florida Retirement System. Effective July 1,
306 1991, contributions shall be made as provided in s. 121.122 for
307 retirees who have renewed membership or, as provided in
308 subsection (13), for DROP participants.

309 3. Any person who is holding an elective public office
310 which is covered by the Florida Retirement System and who is
311 concurrently employed in nonelected covered employment may elect
312 to retire while continuing employment in the elective public
313 office if he or she terminates his or her nonelected covered
314 employment. Such person shall receive his or her retirement
315 benefits in addition to the compensation of the elective office
316 without regard to the time limitations otherwise provided in
317 this subsection. A person who seeks to exercise the provisions
318 of this subparagraph as they existed before May 3, 1984, may not
319 be deemed to be retired under those provisions, unless such
320 person is eligible to retire under this subparagraph, as amended
321 by chapter 84-11, Laws of Florida.

322 (c) Any person whose retirement is effective on or after
323 July 1, 2010, or whose participation in the Deferred Retirement
324 Option Program terminates on or after July 1, 2010, who is
325 retired under this chapter, except under the disability
326 retirement provisions of subsection (4) or as provided in s.

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Amendment No.

327 121.053, may be reemployed by an employer that participates in a
328 state-administered retirement system and receive retirement
329 benefits and compensation from that employer. However, a person
330 may not be reemployed by an employer participating in the
331 Florida Retirement System before meeting the definition of
332 termination in s. 121.021 and may not receive both a salary from
333 the employer and retirement benefits for 6 calendar months after
334 meeting the definition of termination, except as provided in
335 paragraph (f). However, a DROP participant shall continue
336 employment and receive a salary during the period of
337 participation in the Deferred Retirement Option Program, as
338 provided in subsection (13).

339 1. The reemployed retiree may not renew membership in the
340 Florida Retirement System.

341 2. The employer shall pay retirement contributions in an
342 amount equal to the unfunded actuarial liability portion of the
343 employer contribution that would be required for active members
344 of the Florida Retirement System in addition to the
345 contributions required by s. 121.76.

346 3. A retiree initially reemployed in violation of this
347 paragraph and an employer that employs or appoints such person
348 are jointly and severally liable for reimbursement of any
349 retirement benefits paid to the retirement trust fund from which
350 the benefits were paid, including the Florida Retirement System
351 Trust Fund and the Public Employee Optional Retirement Program
352 Trust Fund, as appropriate. The employer must have a written
353 statement from the employee that he or she is not retired from a
354 state-administered retirement system. Retirement benefits shall

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Amendment No.

355 remain suspended until repayment is made. Benefits suspended
356 beyond the end of the retiree's 6-month reemployment limitation
357 period shall apply toward the repayment of benefits received in
358 violation of this paragraph.

359 (d) This subsection applies to retirees, as defined in s.
360 121.4501(2), except as provided in paragraph (f), of the Florida
361 Retirement System Investment Plan, subject to the following
362 conditions:

363 1. A retiree may not be reemployed with an employer
364 participating in the Florida Retirement System until such person
365 has been retired for 6 calendar months.

366 2. A retiree employed in violation of this subsection and
367 an employer that employs or appoints such person are jointly and
368 severally liable for reimbursement of any benefits paid to the
369 retirement trust fund from which the benefits were paid. The
370 employer must have a written statement from the retiree that he
371 or she is not retired from a state-administered retirement
372 system.

373 (e) The limitations of this subsection apply to
374 reemployment in any capacity irrespective of the category of
375 funds from which the person is compensated, except as provided
376 in paragraph (f).

377 (f) Effective July 1, 2012, a retired judge who has reached
378 normal retirement date and consents to temporary employment as a
379 senior judge in any court, as assigned by the Chief Justice of
380 the Supreme Court in accordance with s. 2, Art. V of the State
381 constitution, is not subject to paragraphs (c), (d), or (e).

Amendment No.

382 Section 5. Paragraph (m) is added to subsection (2) of
383 section 121.4501, Florida Statutes, to read:

384 121.4501 Florida Retirement System Investment Plan.—

385 (2) DEFINITIONS.—As used in this part, the term:

386 (m) "Normal retirement date" means the date a member
387 attains normal retirement age and is vested. "Normal retirement
388 age" is attained on the "normal retirement date." The normal
389 retirement date is determined as follows:

390 1. If a Regular Class member, a Senior Management Service
391 Class member, or an Elected Officers' Class member initially
392 enrolled before July 1, 2011:

393 a. The first day of the month the member attains age 62;
394 or

395 b. The first day of the month following the date the
396 member completes 30 years of creditable service, regardless of
397 age.

398 2. If a Regular Class member, a Senior Management Service
399 Class member, or an Elected Officers' Class member initially
400 enrolled on or after July 1, 2011:

401 a. The first day of the month the member attains age 65;
402 or

403 b. The first day of the month following the date the
404 member completes 33 years of creditable service, regardless of
405 age.

406 3. If a Special Risk Class member initially enrolled
407 before July 1, 2011:

408 a. The first day of the month the member attains age 55
409 and completes the years of creditable service in the Special

Amendment No.

410 Risk Class equal to or greater than the years of service

411 required for vesting;

412 b. The first day of the month following the date the
413 member completes 25 years of creditable service in the Special
414 Risk Class, regardless of age; or

415 c. The first day of the month following the date the
416 member completes 25 years of creditable service and attains age
417 52, which service may include a maximum of 4 years of military
418 service credit if such credit is not claimed under any other
419 system and the remaining years are in the Special Risk Class.

420 4. If a Special Risk Class member initially enrolled on or
421 after July 1, 2011:

422 a. The first day of the month the member attains age 60
423 and completes the years of creditable service in the Special
424 Risk Class equal to or greater than the years of service
425 required for vesting;

426 b. The first day of the month following the date the
427 member completes 30 years of creditable service in the Special
428 Risk Class, regardless of age; or

429 c. The first day of the month following the date the
430 member completes 30 years of creditable service and attains age
431 57, which service may include a maximum of 4 years of military
432 service credit if such credit is not claimed under any other
433 system and the remaining years are in the Special Risk Class.

434 Section 6. Paragraph (a) of subsection (1) of section
435 121.591, Florida Statutes, is amended to read:

436 121.591 Payment of benefits.—Benefits may not be paid
437 under the Florida Retirement System Investment Plan unless the

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

438 member has terminated employment as provided in s.
439 121.021(39)(a) or is deceased and a proper application has been
440 filed as prescribed by the state board or the department. Before
441 termination of employment, benefits, including employee
442 contributions, are not payable under the investment plan for
443 employee hardships, unforeseeable emergencies, loans, medical
444 expenses, educational expenses, purchase of a principal
445 residence, payments necessary to prevent eviction or foreclosure
446 on an employee's principal residence, or any other reason prior
447 to termination from all employment relationships with
448 participating employers. The state board or department, as
449 appropriate, may cancel an application for retirement benefits
450 if the member or beneficiary fails to timely provide the
451 information and documents required by this chapter and the rules
452 of the state board and department. In accordance with their
453 respective responsibilities, the state board and the department
454 shall adopt rules establishing procedures for application for
455 retirement benefits and for the cancellation of such application
456 if the required information or documents are not received. The
457 state board and the department, as appropriate, are authorized
458 to cash out a de minimis account of a member who has been
459 terminated from Florida Retirement System covered employment for
460 a minimum of 6 calendar months. A de minimis account is an
461 account containing employer and employee contributions and
462 accumulated earnings of not more than \$5,000 made under the
463 provisions of this chapter. Such cash-out must be a complete
464 lump-sum liquidation of the account balance, subject to the
465 provisions of the Internal Revenue Code, or a lump-sum direct

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Page 17 of 21

Amendment No.

466 rollover distribution paid directly to the custodian of an
467 eligible retirement plan, as defined by the Internal Revenue
468 Code, on behalf of the member. Any nonvested accumulations and
469 associated service credit, including amounts transferred to the
470 suspense account of the Florida Retirement System Investment
471 Plan Trust Fund authorized under s. 121.4501(6), shall be
472 forfeited upon payment of any vested benefit to a member or
473 beneficiary, except for de minimis distributions or minimum
474 required distributions as provided under this section. If any
475 financial instrument issued for the payment of retirement
476 benefits under this section is not presented for payment within
477 180 days after the last day of the month in which it was
478 originally issued, the third-party administrator or other duly
479 authorized agent of the state board shall cancel the instrument
480 and credit the amount of the instrument to the suspense account
481 of the Florida Retirement System Investment Plan Trust Fund
482 authorized under s. 121.4501(6). Any amounts transferred to the
483 suspense account are payable upon a proper application, not to
484 include earnings thereon, as provided in this section, within 10
485 years after the last day of the month in which the instrument
486 was originally issued, after which time such amounts and any
487 earnings attributable to employer contributions shall be
488 forfeited. Any forfeited amounts are assets of the trust fund
489 and are not subject to chapter 717.

490 (1) NORMAL BENEFITS.—Under the investment plan:

491 (a) Benefits in the form of vested accumulations as
492 described in s. 121.4501(6) are payable under this subsection in
493 accordance with the following terms and conditions:

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

494 1. Benefits are payable only to a member, an alternate
495 payee of a qualified domestic relations order, or a beneficiary.

496 2. Benefits shall be paid by the third-party administrator
497 or designated approved providers in accordance with the law, the
498 contracts, and any applicable board rule or policy.

499 3. The member must be terminated from all employment with
500 all Florida Retirement System employers, as provided in s.
501 121.021(39).

502 4. Benefit payments may not be made until the member has
503 been terminated for 3 calendar months, except that the state
504 board may authorize by rule for the distribution of up to 10
505 percent of the member's account after being terminated for 1
506 calendar month if the member has reached the normal retirement
507 date as defined in s. 121.021. Effective July 1, 2012, judges
508 who have consented to temporary employment as a senior judge in
509 any court pursuant to the provisions of section 25.073, F.S.,
510 may receive a regular distribution of their account as provided
511 in this paragraph after providing proof of termination from
512 their regularly established position.

513 5. If a member or former member of the Florida Retirement
514 System receives an invalid distribution, such person must either
515 repay the full amount within 90 days after receipt of final
516 notification by the state board or the third-party administrator
517 that the distribution was invalid, or, in lieu of repayment, the
518 member must terminate employment from all participating
519 employers. If such person fails to repay the full invalid
520 distribution within 90 days after receipt of final notification,
521 the person may be deemed retired from the investment plan by the

223757 - h0971-strike.docx

Published On: 1/10/2012 6:19:57 PM

Amendment No.

522 state board and is subject to s. 121.122. If such person is
 523 deemed retired, any joint and several liability set out in s.
 524 121.091(9)(d)2. is void, and the state board, the department, or
 525 the employing agency is not liable for gains on payroll
 526 contributions that have not been deposited to the person's
 527 account in the investment plan, pending resolution of the
 528 invalid distribution. The member or former member who has been
 529 deemed retired or who has been determined by the state board to
 530 have taken an invalid distribution may appeal the agency
 531 decision through the complaint process as provided under s.
 532 121.4501(9)(g)3. As used in this subparagraph, the term "invalid
 533 distribution" means any distribution from an account in the
 534 investment plan which is taken in violation of this section, s.
 535 121.091(9), or s. 121.4501.

536 Section 7. This act shall take effect July 1, 2012.
 537
 538

539 -----
 540 **T I T L E A M E N D M E N T**

541 Remove the entire title and insert:

542 An act relating to the judiciary; amending s. 25.073, F.S.;
 543 providing that if a retired justice or judge is assigned to
 544 temporary duty, such assignment does not affect his or her
 545 eligibility for benefits under the Florida Retirement System;
 546 amending s. 43.291, F.S.; revising requirements for the
 547 appointment of members of judicial nominating commissions;
 548 providing that, with the exception of members selected from a
 549 list of nominees provided by the Board of Governors of The

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

550 Florida Bar, a current member of a judicial nominating
551 commission appointed by the Governor serves at the pleasure of
552 the Governor; providing for each expired term or vacancy to be
553 filled by appointment in the same manner as the member whose
554 position is being filled; deleting obsolete provisions; deleting
555 a requirement that the Executive Office of the Governor
556 establish uniform rules of procedure consistent with the State
557 Constitution when suspending for cause a member of a judicial
558 nominating commission; amending ss. 121.021, 121.091, 121.4501,
559 and 121.591, F.S., to conform to retirement system changes;
560 providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

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
1-11-12*

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

3
4 **Amendment to Amendment (223757) by Representative Gaetz**
5 Remove lines 382-433 of the amendment
6

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	_____	

*Withdrawn
1-11-12*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative Abruzzo offered the following:

3
4 **Amendment to Amendment (223757) by Representative Gaetz**
5 **(with title amendment)**

6 Remove lines 23-80 of the amendment and insert:
7 Section 2. Section 43.291, Florida Statutes, is repealed.

8
9
10
11 -----
12 **T I T L E A M E N D M E N T**

13 Remove lines 546-558 of the amendment and insert:
14 repealing s. 43.291, F.S., repealing statutes relating to
15 Judicial Nominating Commissions; amending ss. 121.021, 121.091,
16 121.4501,
17

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2012)

Amendment No.

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
1-11-12*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative Abruzzo offered the following:

3
4
5
6

Amendment to Amendment (223757) by Representative Gaetz
Remove lines 23-80 of the amendment

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 4155 : Declaratory Judgments

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 4155

Pitts, Brian (General Public) - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

HB 4157 : District Courts of Appeal

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

PCS for HB 823 : Florida Uniform Principal and Income Act

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Mack Bernard	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar			X		
Larry Metz	X				
Jose Oliva	X				
Kathleen Passidomo	X				
Scott Plakon	X				
Darren Soto	X				
Kelli Stargel	X				
Richard Steinberg	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

PCS for HB 823

Edenfield, Martha (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

PCS for HB 823

Pitts, Brian (General Public) - Opponent
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/11/2012 11:30:00AM

Location: 404 HOB

Presentation/Workshop/Other Business Appearances:

Workshop on Foreclosures

Goodner, Lisa (Lobbyist) (State Employee) - Information Only

Administrator, State Courts System

500 S. Doval St.

Tallahassee FL 32399

Phone: 850-922-5081

Committee meeting was reported out: Wednesday, January 11, 2012 4:29:02PM