



Civil Justice Subcommittee

Wednesday, January 18, 2012

8:30 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Wednesday January 18, 2012 08:30 am

HB 565	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 200415 Adopted Without Objection		
HB 715	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 148207 Adopted Without Objection		
HB 733	Favorable	Yeas: 15	Nays: 0
CS/HB 803	Favorable	Yeas: 14	Nays: 0
HB 917	Favorable	Yeas: 14	Nays: 0
HB 921	Favorable With Committee Substitute	Yeas: 9	Nays: 4
	Amendment 014421 Adopted Without Objection		
	Amendment 432633 Adopted Without Objection		
	Amendment 555111 Adopted Without Objection		
	Amendment 565501 Adopted Without Objection		
	Amendment 609279 Adopted Without Objection		
HB 963	Favorable	Yeas: 15	Nays: 0
HB 1023	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 365599 Adopted Without Objection		
HB 1115	Favorable With Committee Substitute	Yeas: 8	Nays: 6
	Amendment 193843 Adopted Without Objection		

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Eric Eisnaugle (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 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 565 : Family Law

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: 14		Total Nays: 0			

HB 565 Amendments

Amendment 200415

Adopted Without Objection

Appearances:

HB 565

Manz, David - Proponent

Florida Bar Family Law Section

5800 Overseas Highway Suite 40

Marathon FL 33013

Phone: (305) 731-3600

HB 565

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 565 (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
1-18-12*

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

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (a) of subsection (6) and subsection
7 (10) of section 61.075, Florida Statutes, are amended to read:
8 61.075 Equitable distribution of marital assets and
9 liabilities.-

10 (6) As used in this section:

11 (a)1. "Marital assets and liabilities" include:

12 a. Assets acquired and liabilities incurred during the
13 marriage, individually by either spouse or jointly by them.

14 b. The enhancement in value and appreciation of nonmarital
15 assets resulting either from the efforts of either party during
16 the marriage or from the contribution to or expenditure thereon
17 of marital funds or other forms of marital assets, or both.

Amendment No. 1

18 c. The value of the marital portion of the passive
19 appreciation of nonmarital real property as provided in s. 36
20 61.0765(2).

21 d.e. Interspousal gifts during the marriage. 38

22 e.d. All vested and nonvested benefits, rights, and funds
23 accrued during the marriage in retirement, pension, profit-
24 sharing, annuity, deferred compensation, and insurance plans and
25 programs.

26 2. All real property held by the parties as tenants by the
27 entirety, whether acquired before ~~prior to~~ or during the
28 marriage, shall be presumed to be a marital asset. If, in any
29 case, a party makes a claim to the contrary, the burden of proof
30 shall be on the party asserting the claim that the subject
31 property, or some portion thereof, is nonmarital.

32 3. All personal property titled jointly by the parties as
33 tenants by the entirety, whether acquired before ~~prior to~~ or
34 during the marriage, shall be presumed to be a marital asset. In
35 the event a party makes a claim to the contrary, the burden of
36 proof shall be on the party asserting the claim that the subject
37 property, or some portion thereof, is nonmarital.

38 4. The burden of proof to overcome the gift presumption
39 shall be by clear and convincing evidence.

40 (10) (a) To do equity between the parties, the court may, in
41 lieu of or to supplement, facilitate, or effectuate the
42 equitable division of marital assets and liabilities, order a
43 monetary payment in a lump sum or in installments paid over a
44 fixed period of time.

Amendment No. 1

45 (b) If installment payments are ordered, the court may
46 require security and a reasonable rate of interest, or otherwise
47 recognize the time value of money in determining the amount of
48 the installments. If security or interest is required, the court
49 shall make written findings relating to any deferred payments,
50 the amount of any security required, and the interest. This
51 paragraph does not preclude the application of chapter 55,
52 relating to judgments, to any subsequent default.

53 Section 2. Section 61.0765, Florida Statutes, is created to
54 read:

55 61.0765 Valuation of marital portion of nonmarital real
56 property.-

57 (1) (a) The total value of the marital portion of nonmarital
58 real property consists of the sum of the following:

59 1. The value of the active appreciation of the property as
60 described in s. 61.075(6) (a)1.b.

61 2. The amount of the mortgage principal paid from marital
62 funds.

63 3. A portion of any passive appreciation of the property,
64 if the mortgage principal was paid from marital funds.

65 (b) The value of the marital portion of nonmarital real
66 property may not exceed the total net equity of the property on
67 the valuation date in the dissolution action.

68 (2) The marital portion of the passive appreciation as
69 provided in subparagraph (1) (a)3. is calculated by multiplying
70 the passive appreciation of the property by the marital
71 fraction.

Amendment No. 1

72 (a) The passive appreciation of the property is calculated
73 by subtracting all of the following from the value of the
74 property on the valuation date in the dissolution action:

75 1. The gross value of the property on the date of the
76 marriage or on date the property was acquired, whichever is
77 later.

78 2. The value of the active appreciation of the property
79 during the marriage as described in s. 61.075(6)(a)1.b.

80 3. The amount of any additional debts secured by the
81 property during the marriage.

82 (b) The numerator of the marital fraction consists of the
83 amount of the mortgage principal paid on any mortgage on the
84 property from marital funds. The denominator consists of the
85 value of the property on the date of the marriage, the date of
86 acquisition of the property, or the date the property was first
87 encumbered by a mortgage on which principal was paid from
88 marital funds, whichever is later.

89 (3) The court in a dissolution action must apply the
90 formulas provided in this section to determine the value of the
91 marital portion of nonmarital real property subject to equitable
92 dissolution unless a party presents sufficient evidence to
93 establish that the application of these formulas is not
94 equitable under the particular circumstances of the case.

95 Section 3. This act shall take effect July 1, 2012.

96
97
98 -----
99 **T I T L E A M E N D M E N T**

Amendment No. 1

100 Remove the entire title and insert:
101 An act relating to equitable distribution of marital assets and
102 liabilities; amending s. 61.075, F.S.; redefining the term
103 "marital assets and liabilities" to include the value of the
104 marital portion of the passive appreciation of nonmarital real
105 property; authorizing a court to require security and the
106 payment of a reasonable rate of interest if installment payments
107 are required for the distribution of marital assets and
108 liabilities; requiring the court to provide written findings
109 regarding any installment payments; creating s. 61.0765, F.S.;
110 providing formulas for the calculation of the value of the
111 marital portion of nonmarital real property subject to equitable
112 distribution; requiring the court in the dissolution action to
113 use the formulas unless sufficient evidence is presented showing
114 that the application of the formulas is not equitable; providing
115 an effective date.
116

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 715 : Self-service Storage Facilities

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: 15		Total Nays: 0			

HB 715 Amendments

Amendment 148207

Adopted Without Objection

Appearances:

HB 715

Dietz, Tim (General Public) - Proponent

Sr. Vice President, Government Relations, Self Storage Association

1900 N Beauregard, Suite 450

Alexandria VA 23211

Phone: 703-575-8000

HB 715

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 18, 2012 11:58:07AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 715 (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
1-18-12*

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

3
4 Amendment
5 on lines 33, 40, 54 and 64, remove:
6 " , along "

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 733 : Probate

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 733

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

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

CS/HB 803 : Child Protection

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: 14		Total Nays: 0			

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 917 : Jurisdiction of the Courts

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 917

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

HB 917

Kocourek, Todd (General Public) - Waive In Support
Past Chair, International Law Section of the Florida Bar
1351 N Gadsden
Tallahassee FL 32303
Phone: 850-545-7125

HB 917

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

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 921 : Landlords and Tenants

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: 9		Total Nays: 4			

HB 921 Amendments

Amendment 014421

Adopted Without Objection

Amendment 432633

Adopted Without Objection

Amendment 555111

Adopted Without Objection

Amendment 565501

Adopted Without Objection

Amendment 609279

Adopted Without Objection

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 921 : Landlords and Tenants (continued)

Appearances:

HB 921

Rosenberg, Arthur (Lobbyist) - Opponent

Florida Legal Services

3000 Biscayne Blvd

Miami FL 33137

Phone: 850-509-2085

HB 921

Vickers, Alice (Lobbyist) - Opponent

Florida Consumer Action Network

623 Beard Street

Tallahassee FL 32303

Phone: 850-556-3121

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 921 (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
1-18-12*

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

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

5 Remove lines 52-67
6
7
8

9 -----

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

11 Remove lines 3-5
12

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 921 (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
1-18-12*

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

3
4 **Amendment**

5 Remove line 115 and insert:
6 required to give a new or additional notice solely because the
7 depository has
8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 921 (2012)

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
1-18-12*

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

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

5 Remove lines 292-293
6
7
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9 -----
10 **T I T L E A M E N D M E N T**

11 Remove lines 22-24 and insert:
12 screens; amending s. 83.56, F.S.; revising
13

Amendment No. 4

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
1-18-12*

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

Amendment (with title amendment)

5 Remove lines 463-470 and insert:

6 (1) (a) In an action by the landlord for possession of a
7 dwelling unit based upon nonpayment of rent or in an action by
8 the landlord under s. 83.55 seeking to recover unpaid rent, the
9 tenant may defend upon the ground of a material noncompliance
10 with s. 83.51(1) [~~F.S. 1973~~], or may raise any other defense,
11 whether legal or equitable, that he or she may have, including
12 the defense of retaliatory conduct in accordance with s. 83.64.
13 The landlord must be given an opportunity to cure a deficiency
14 in a notice or in the pleadings prior to dismissal of the
15 action.

16 (b) The defense of a material noncompliance with s.
17 83.51(1) [~~F.S.~~

Amendment No. 4

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

Between lines 37 and 38, insert:

amending s. 83.60, F.S.; providing that a landlord may cure a a
deficiency in any notice or pleadings prior to dismissal of an
eviction action;

Amendment No. 5

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	_____	

*Passable
1-18-12*

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

Amendment (with title amendment)

5 Between lines 562 and 563, insert:

6 Section 16. Subsection (1) of section 723.063, Florida
7 Statutes, is amended to read:

8 723.063 Defenses to action for rent or possession;
9 procedure.—

10 (1) (a) In any action based upon nonpayment of rent or
11 seeking to recover unpaid rent, or a portion thereof, the mobile
12 home owner may defend upon the ground of a material
13 noncompliance with any portion of this chapter or may raise any
14 other defense, whether legal or equitable, which he or she may
15 have. The mobile home park owner must be given an opportunity to
16 cure a deficiency in a notice or in the pleadings prior to
17 dismissal of the action.

18 (b) The defense of material noncompliance may be raised by
19 the mobile home owner only if 7 days have elapsed after he or

Amendment No. 5

20 she has notified the park owner in writing of his or her
21 intention not to pay rent, or a portion thereof, based upon the
22 park owner's noncompliance with portions of this chapter,
23 specifying in reasonable detail the provisions in default. A
24 material noncompliance with this chapter by the park owner is a
25 complete defense to an action for possession based upon
26 nonpayment of rent, or a portion thereof, and, upon hearing, the
27 court or the jury, as the case may be, shall determine the
28 amount, if any, by which the rent is to be reduced to reflect
29 the diminution in value of the lot during the period of
30 noncompliance with any portion of this chapter. After
31 consideration of all other relevant issues, the court shall
32 enter appropriate judgment.

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34
35
36 -----
37 **T I T L E A M E N D M E N T**

38 Remove line 47 and insert:

39 for a tenant to terminate a lease; amending s. 723.063, F.S.;
40 providing that a landlord may cure a deficiency in any notice or
41 pleadings prior to dismissal of an eviction action; providing an
42

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 963 : Dispute Resolution

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 963

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

HB 963

Farmer, Gary (General Public) - Opponent
Florida Justice Association
425 N Andrews Ave, #2
Ft. Lauderdale FL 33301
Phone: 954-524-2820

HB 963

Polenberg, Jon (General Public) - Proponent
Business Law Section of the Florida Bar
1351 Sawgrass Corp. Parkway, Suite 101
Ft. Lauderdale FL 33323
Phone: 954-742-1995

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 1023 : Suspension of Driver Licenses and Motor Vehicle Registrations

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: 15		Total Nays: 0			

HB 1023 Amendments

Amendment 365599

Adopted Without Objection

Appearances:

HB 1023

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 18, 2012 11:58:07AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1023 (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
1/18/12*

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

Amendment (with title amendment)

Remove lines 137-212 and insert:

6 (6) A person whose driver license and registration has
7 been suspended under this section may petition for relief under
8 subsection (2). A petition under this subsection does not act as
9 a stay of any suspension.

10 Section 2. Subsection (2) of section 322.058, Florida
11 Statutes, is amended to read:

12 322.058 Suspension of driving privileges due to support
13 delinquency; reinstatement.—

14 (2)(a) The department must reinstate the full driving
15 privilege and allow registration of a motor vehicle when the
16 Title IV-D agency in IV-D cases or the depository or the clerk
17 of the court in non-IV-D cases provides to the department an
18 electronic notification affidavit stating that:

19 1.(a) The person has paid the delinquency;

Amendment No. 1

20 ~~2.~~(b) The person has reached a written agreement for
21 payment with the Title IV-D agency or the obligee in non-IV-D
22 cases;

23 ~~3.~~(e) A court has entered an order granting relief to the
24 obligor ordering the reinstatement of the license and motor
25 vehicle registration; or

26 ~~4.~~(d) The person has complied with the subpoena, order to
27 appear, order to show cause, or similar order.

28 (b) The department must reinstate the driving privilege
29 restricted to business purposes only and allow registration of a
30 motor vehicle when the Title IV-D agency in IV-D cases or the
31 depository or the clerk of the court in non-IV-D cases provides
32 to the department electronic notification stating that a court
33 has entered an order granting relief to the obligor ordering the
34 reinstatement of the license restricted to business purposes
35 only and motor vehicle registration pursuant to s. 61.13016(2)
36 or s. 61.13016(6).

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40

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

42 Remove lines 17-30 and insert:
43 obligor has the ability to pay; specifying that an obligor whose
44 license and registration has been suspended may apply to the
45 court for a business use license should the obligor agree to
46 make payments against the arrearage; amending s. 322.058, F.S.;
47 requiring that the Department of Highway Safety and Motor

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1023 (2012)

Amendment No. 1

48 Vehicles reinstate the driving privilege and allow registration
49 of a motor vehicle of a person who has a delinquent support
50 obligation or who has failed to comply with a subpoena, order to
51 appear, order to show cause, or similar order, if the Title IV-D
52 agency in IV-D cases, or the depository or the clerk of the
53 court in non-IV-D cases, provides electronic notification to the
54 department stating that the court has directed that the person
55 be issued a license for driving privileges restricted to
56 business purposes only; providing an effective date.

57

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 1115 : Teacher Protection

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: 8		Total Nays: 6			

HB 1115 Amendments

Amendment 193843

Adopted Without Objection

Appearances:

HB 1115

Boyd, Robert (Lobbyist) - Proponent
Professional Educators Network of Florida (PEN)
310 W College Ave 3rd Floor
Tallahassee FL 32301
Phone: (850)412-0306

HB 1115

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

HB 1115

Grassel, B (General Public) - Opponent
President, Lake County Education Association
14322 Lake Junietta Drive
Tavares FL 32778
Phone: 352-989-7028

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/18/2012 8:30:00AM

Location: 404 HOB

HB 1115 : Teacher Protection (continued)

Appearances: (continued)

HB 1115

Meyer, Ronald (Lobbyist) - Opponent

Florida Education Association

213 S Adams St

Tallahassee FL 32301

Phone: (850)878-5212

Committee meeting was reported out: Wednesday, January 18, 2012 11:58:07AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1115 (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
1/18/12*

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

4 **Amendment (with title amendment)**

5 Remove lines 37-40 and insert:
 6 throughout the civil action if the teacher has not been
 7 subjected to disciplinary proceedings for the same act by the
 8 employing school district or the Education Practices Commission.

10 -----

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

12 Remove lines 7-9 and insert:
 13 if the teacher has not been subjected to disciplinary
 14 proceedings for the same act by the employing school
 15 district or the Education Practices Commission;