



Civil Justice Subcommittee

Tuesday, January 31, 2012

8:00 AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**Eric Eisnaugle
Chair**

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Tuesday January 31, 2012 08:00 am

CS/HB 99	Favorable	Yeas: 14	Nays: 0
HB 427	Unfavorable	Yeas: 7	Nays: 8
CS/HB 505	Favorable With Committee Substitute Amendment 910389 Adopted Without Objection	Yeas: 14	Nays: 0
CS/CS/HB 711	Favorable	Yeas: 14	Nays: 1
HB 839	Favorable With Committee Substitute Amendment 018249 Adopted Without Objection	Yeas: 8	Nays: 5
HB 851	Favorable	Yeas: 13	Nays: 0
HB 1013	Favorable With Committee Substitute Amendment 388523 Adopted Without Objection Amendment 634821 Adopted Without Objection	Yeas: 9	Nays: 2
CS/HB 1077	Favorable With Committee Substitute Amendment 699069 Adopted Without Objection	Yeas: 13	Nays: 0
HB 1123	Favorable With Committee Substitute Amendment 598285 Adopted Without Objection Amendment 948551 Adopted Without Objection	Yeas: 13	Nays: 0
CS/HB 1163	Favorable	Yeas: 15	Nays: 0
HB 1209	Favorable	Yeas: 13	Nays: 0
HB 1327	Favorable	Yeas: 7	Nays: 5
PCS for HB 1351	Favorable	Yeas: 15	Nays: 0
PCS for HB 149	Unfavorable Amendment PCS for HB 149 a1 Adopted Without Objection	Yeas: 5	Nays: 9
PCS for HB 451	Favorable	Yeas: 14	Nays: 0
PCS for HB 701	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

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: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

CS/HB 99 : Sexual Exploitation

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:

CS/HB 99

Faraldo, Mary (General Public) - Waive In Support
Development Officer, Kristi House
1265 NW 12 Avenue
Miami FL 33136
Phone: 786-218-9748

CS/HB 99

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

CS/HB 99

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

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 427 : Civil Remedies Against Insurers

Unfavorable

	<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: 7		Total Nays: 8			

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

CS/HB 505 : Mortgages

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			

CS/HB 505 Amendments

Amendment 910389

Adopted Without Objection

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 505 (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
1-31-12*

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

4 **Amendment (with title amendment)**

5 Remove lines 28-76 and insert:

6 (a) If the mortgagor, or any person lawfully authorized to
7 act on behalf of the mortgagor, makes the request, the estoppel
8 letter must include an itemization of the including principal,
9 interest, and any other charges properly due under or secured by
10 the mortgage and interest on a per-day basis for the unpaid
11 balance.

12 (b) If a record title owner of the property, or any person
13 lawfully authorized to act on behalf of a mortgagor or record
14 title owner of the property, makes the request:

15 1. The request must include a copy of the instrument
16 showing title in the property or lawful authorization.

17 2. The estoppel letter may include the itemization of
18 information required under paragraph (a), but must at a minimum

Amendment No. 1

19 include the total unpaid balance due under or secured by the
20 mortgage on a per-day basis.

21 3. The mortgagee or servicer of the mortgagee acting in
22 accordance with a request in substantial compliance with this
23 paragraph is expressly discharged from any obligation or
24 liability to any person on account of the release of the
25 requested information, other than the obligation to comply with
26 the terms of the estoppel letter.

27 (c) A mortgage holder may provide the financial information
28 required under this subsection to a person authorized under this
29 subsection to request the financial information notwithstanding
30 s. 655.059.

31 (2) Whenever the amount of money due on any mortgage,
32 lien, or judgment has been shall be fully paid to the person or
33 party entitled to the payment thereof, the mortgagee, creditor,
34 or assignee, or the attorney of record in the case of a
35 judgment, to whom the such payment was shall have been made,
36 shall execute in writing an instrument acknowledging
37 satisfaction of the said mortgage, lien, or judgment and have
38 the instrument same acknowledged, or proven, and duly entered of
39 record in the book provided by law for such purposes in the
40 official records of the proper county. Within 60 days after of
41 the date of receipt of the full payment of the mortgage, lien,
42 or judgment, the person required to acknowledge satisfaction of
43 the mortgage, lien, or judgment shall send or cause to be sent
44 the recorded satisfaction to the person who has made the full
45 payment. In the case of a civil action arising out of the
46 provisions of this section, the prevailing party is shall be

Amendment No. 1

47 entitled to attorney ~~attorney's~~ fees and costs.

48 (3)~~(2)~~ Whenever a writ of execution has been issued,
49 docketed, and indexed with a sheriff and the judgment upon which
50 it was issued has been fully paid, it is ~~shall be~~ the
51 responsibility of the party receiving payment to request, in
52 writing, addressed to the sheriff, return of the writ of
53 execution as fully satisfied.

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

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Remove lines 10-12 and insert:

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allowing financial institutions to release certain mortgagor

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information to specified persons without penalty; providing an

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

CS/CS/HB 711 : Sale or Lease of a County, District, or Municipal Hospital

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: 1			

Appearances:

CS/CS/HB 711

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/CS/HB 711

Palmer, Andy (Lobbyist) - Waive In Support

Health Management Associates

215 S Monroe Street, Suite 505

Tallahassee FL 32301

Phone: 850-205-9000

CS/CS/HB 711

Schoonover, Chris (Lobbyist) - Waive In Support

Safety Net Hospital Alliance of Florida

101 E College Avenue, Suite 303

Tallahassee FL 32301

Phone: 850-222-9075

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 839 : Abortion

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: 5			

HB 839 Amendments

Amendment 018249

Adopted Without Objection

Appearances:

HB 839

Saunders, Joe (General Public) - Waive In Opposition
Field Director, Equality Florida
5519 Scaramuche Lane
Orlando FL 32821
Phone: 407-497-4986

HB 839

Burch Fort, Pamela (Lobbyist) - Waive In Opposition
ACLU
104 S Monroe St
Tallahassee FL 32301
Phone: (850) 425-1344

HB 839

Kahn, Nadine (General Public) - Waive In Opposition
Tallahassee FL 32301

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 839 : Abortion (continued)

Appearances: (continued)

HB 839

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 839

Gordon, Emily (Lobbyist) - Opponent

Planned Parenthood

Tallahassee FL

HB 839

Gentile, Haley (General Public) - Opponent

Tallahassee

FL

HB 839

Hopkins, Sheila (Lobbyist) - Waive In Support

Florida Catholic Conference

201 W Park Ave

Tallahassee FL 32301-7715

Phone: (850)222-3803

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 839 (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
1.31.12*

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

4 **Amendment (with title amendment)**

5 Remove lines 263-284 and insert:

6 (h) In every civil or criminal proceeding or action
7 brought under this subsection, upon request of any woman upon
8 whom an abortion was performed or attempted, the court shall
9 rule whether the anonymity of such woman may be preserved from
10 public disclosure consistent with Rule 2.420 of the Florida
11 Rules of Judicial Administration. In the absence of written
12 consent of the woman upon whom an abortion was performed or
13 attempted, anyone, other than a public official, who brings an
14 action under paragraph (g) shall file such action under a
15 pseudonym.

Amendment No. 1

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

Remove lines 30-37 and insert:
requiring confidentiality in court proceedings consistent with
the Rules of Judicial Administration; conforming cross-

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 851 : Natural Guardians

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 851

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

Real Property, Probate and Trust Law Section of the Florida Bar

215 S Monroe St

Tallahassee FL 32301

Phone: 850-222-3533

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 1013 : Residential Construction Warranties

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: 2			

HB 1013 Amendments

Amendment 388523

Adopted Without Objection

Amendment 634821

Adopted Without Objection

Appearances:

HB 1013

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

HB 1013

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

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 1013 : Residential Construction Warranties (continued)

Appearances: (continued)

HB 1013

Adams, Howard "Gene" (Lobbyist) - Opponent
Real Property, Probate and Trust Law Section of the Florida Bar
215 S Monroe St
Tallahassee FL 32301
Phone: 850-222-3533

HB 1013

Ferguson, Diana (Lobbyist) - Opponent
Community Advocacy Network
119 S Monroe St
Tallahassee FL 32308
Phone: 850-681-6788

HB 1013

Kurian, Sanjay (General Public) - Opponent
Community Association Leadership Lobby (CALL)
12140 Corissa Commerce Court
Ft. Myers FL 33966
Phone: 239-433-7707

HB 1013

Gentry, Richard (Lobbyist) - Waive In Support
Associated Industries of Florida
PO Box 784
Tallahassee FL 32302
Phone: (850)251-1837

HB 1013

Ramba, David (Lobbyist) - Proponent
Neal Communities
8210 Lakewood Ranch Blvd
Tallahassee FL 34202
Phone: (850)727-7087

HB 1013

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

HB 1013

Hunter, William (Lobbyist) - Waive In Support
Association of Florida Community Developers, Inc
307 W Park Ave Ste 214
Tallahassee FL 32301-1422
Phone: (850)681-2176

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 1013 : Residential Construction Warranties (continued)

Appearances: (continued)

HB 1013

Hetrick, Keith (Lobbyist) - Waive In Support

Florida Home Builders Association

201 E Park Ave

Tallahassee FL 32301

Phone: (850)224-4316

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

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
1.31.12*

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 553.835, Florida Statutes, is created
7 to read:

8 553.835 Implied warranties.—

9 (1) The Legislature finds that the courts have reached
10 different conclusions concerning the scope and extent of the
11 common law doctrine of implied warranty of fitness and
12 merchantability or habitability for improvements immediately
13 supporting the structure of a new home, which creates
14 uncertainty in the state's fragile real estate and construction
15 industry.

16 (2) It is the intent of the Legislature to affirm the
17 limitations to the doctrine of implied warranty of fitness and
18 merchantability or habitability associated with the construction
19 and sale of a new home.

Amendment No. 1

20 (3) As used in this section, the term "offsite
21 improvement" means:

22 (a) The street, road, driveway, sidewalk, drainage,
23 utilities, or any other improvement or structure that is not
24 located on or under the lot on which a new home is constructed,
25 excluding such improvements that are shared by and part of the
26 overall structure of two or more separately owned homes that are
27 adjoined or attached whereby such improvements affect the
28 fitness and merchantability or habitability of one or more of
29 the other adjoining structures; and

30 (b) The street, road, driveway, sidewalk, drainage,
31 utilities, or any other improvement or structure that is located
32 on or under the lot but that does not immediately and directly
33 support the fitness and merchantability or habitability of the
34 home itself.

35 (4) There is no cause of action in law or equity available
36 to a purchaser of a home or to a homeowners' association based
37 upon the doctrine or theory of implied warranty of fitness and
38 merchantability or habitability for damages to offsite
39 improvements. However, this section does not alter or limit the
40 existing rights of purchasers of homes or homeowners'
41 associations to pursue any other cause of action arising from
42 defects in offsite improvements based upon contract, tort, or
43 statute.

44 Section 2. If any provision of the act or its application
45 to any person or circumstance is held invalid, the invalidity
46 does not affect other provisions or applications of the act
47 which can be given effect without the invalid provision or

Amendment No. 1

48 application, and to this end the provisions of this act are
49 severable.

50 Section 3. This act shall take effect July 1, 2012, and
51 applies to all cases accruing before, pending on, or filed after
52 that date.

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

56 Remove the entire title and insert:

57 A bill to be entitled
58
59 An act relating to residential construction
60 warranties; creating s. 553.835, F.S.; providing
61 legislative findings; providing legislative intent to
62 affirm the limitations to the doctrine of implied
63 warranty of fitness and merchantability or
64 habitability associated with the construction and sale
65 of a new home; providing a definition; prohibiting a
66 cause of action in law or equity based upon the
67 doctrine of implied warranty of fitness and
68 merchantability or habitability for offsite
69 improvements; providing that the existing rights of
70 purchasers of homes or homeowners' associations to
71 pursue certain causes of action are not altered or
72 limited; providing for applicability of the act;
73 providing for severability; providing an effective
74 date.

75

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1013 (2012)

Amendment No. 1

76 WHEREAS, the Legislature recognizes and agrees with the
77 limitations on the applicability of the doctrine of implied
78 warranty of fitness and merchantability or habitability for a
79 new home as established in the seminal cases of *Gable v. Silver*,
80 258 So.2d 11 (Fla. 4th DCA 1972) adopted and cert. dismissed, 264
81 So.2d 418 (Fla. 1972); *Conklin v. Hurley*, 428 So.2d 654 (Fla.
82 1983); and *Port Sewall Harbor & Tennis Club Owners Ass'n v.*
83 *First Fed. S. & L. Ass'n.*, 463 So.2d 530 (Fla. 4th DCA 1985),
84 and does not wish to expand any prospective rights,
85 responsibilities, or liabilities resulting from these decisions,
86 and

87 WHEREAS, the recent decision by the Fifth District Court of
88 Appeal rendered in October of 2010, in *Lakeview Reserve*
89 *Homeowners et. al. v. Maronda Homes, Inc., et. al.*, 48 So.3d 902
90 (Fla. 5th DCA, 2010), expands the doctrine of implied warranty
91 of fitness and merchantability or habitability for a new home to
92 the construction of roads, drainage systems, retention ponds,
93 and underground pipes, which the court described as essential
94 services, supporting a new home, and

95 WHEREAS, the Legislature finds, as a matter of public
96 policy, that the *Maronda* case goes beyond the fundamental
97 protections that are necessary for a purchaser of a new home and
98 that form the basis for imposing an implied warranty of fitness
99 and merchantability or habitability for a new home, and creates
100 uncertainty in the state's fragile real estate and construction
101 industry, and

102 WHEREAS, it is the intent of the Legislature to reject the
103 decision by the Fifth District Court of Appeal in the *Maronda*

634821 - h1013-strike.docx

Published On: 1/30/2012 7:11:08 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1013 (2012)

Amendment No. 1

104 case insofar as it expands the doctrine of implied warranty and
105 fitness and merchantability or habitability for a new home to
106 include essential services as defined by the court, NOW
107 THEREFORE,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1013 (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
1.31.12*

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

3
4 **Amendment to Amendment (634821) by Representative Artiles**
5 Remove line 43 of the amendment and insert:
6 statute, including but not limited to ss. 718.203 and 719.203.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

CS/HB 1077 : Service Animals

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: 13		Total Nays: 0			

CS/HB 1077 Amendments

Amendment 699069

Adopted Without Objection

Appearances:

CS/HB 1077

Castille, Colleen (Lobbyist) - Waive In Support
Florida Agencies Serving the Blind
200 W College Avenue, #311B
Tallahassee FL 32301
Phone: 850-222-1959

CS/HB 1077

Heyman, Sally (General Public) - Proponent
Commissioner, Miami-Dade County
111 NW 1st Strret
Miami FL 33128
Phone: 305-375-5128

CS/HB 1077

Christopherson, Carol (General Public) - Proponent
14897 Yellow Water Lane
Jacksonville FL 32234
Phone: 800-549-2600

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

CS/HB 1077 : Service Animals (continued)

Appearances: (continued)

CS/HB 1077

Pitts, Brian - Proponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/HB 1077

Farmer, Dana (Lobbyist) - Waive In Support

Disability Rights Florida

2728 Centerview Drive, Suite 102

Tallahassee FL 32308

Phone: 850-488-9071

CS/HB 1077

Hopkins, Sheila (Lobbyist) - Waive In Support

Florida Catholic Conference

201 W Park Ave

Tallahassee FL 32301-7715

Phone: (850)222-3803

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1077 (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
1.31.12*

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

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

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Dawson and David
7 Caras Act."

8 Section 2. Section 413.08, Florida Statutes, is amended to
9 read:

10 413.08 Rights of an individual with a disability; ~~use of a~~
11 ~~service animal~~; discrimination in public employment or housing
12 accommodations; penalties.—

13 (1) As used in this section ~~and s. 413.081~~, the term:

14 (a) "Housing accommodation" means any real property or
15 portion thereof which is used or occupied, or intended,
16 arranged, or designed to be used or occupied, as the home,
17 residence, or sleeping place of one or more persons, but does
18 not include any single-family residence, the occupants of which

Amendment No. 1

19 rent, lease, or furnish for compensation not more than one room
20 therein.

21 (b) "Individual with a disability" means a person who is
22 deaf, hard of hearing, blind, visually impaired, or otherwise
23 physically disabled. As used in this paragraph, the term:

24 1. "Hard of hearing" means an individual who has suffered
25 a permanent hearing impairment that is severe enough to
26 necessitate the use of amplification devices to discriminate
27 speech sounds in verbal communication.

28 2. "Physically disabled" means any person who has a
29 physical impairment that substantially limits one or more major
30 life activities.

31 (c) "Public accommodation" means a common carrier,
32 airplane, motor vehicle, railroad train, motor bus, streetcar,
33 boat, or other public conveyance or mode of transportation;
34 hotel; lodging place; place of public accommodation, amusement,
35 or resort; and other places to which the general public is
36 invited, subject only to the conditions and limitations
37 established by law and applicable alike to all persons.

38 ~~(d) "Service animal" means an animal that is trained to~~
39 ~~perform tasks for an individual with a disability. The tasks may~~
40 ~~include, but are not limited to, guiding a person who is~~
41 ~~visually impaired or blind, alerting a person who is deaf or~~
42 ~~hard of hearing, pulling a wheelchair, assisting with mobility~~
43 ~~or balance, alerting and protecting a person who is having a~~
44 ~~seizure, retrieving objects, or performing other special tasks.~~
45 ~~A service animal is not a pet.~~

Amendment No. 1

46 (2) An individual with a disability is entitled to full
47 and equal accommodations, advantages, facilities, and privileges
48 in all public accommodations. This section does not require any
49 person, firm, business, or corporation, or any agent thereof, to
50 modify or provide any vehicle, premises, facility, or service to
51 a higher degree of accommodation than is required for a person
52 not so disabled.

53 ~~(3) An individual with a disability has the right to be~~
54 ~~accompanied by a service animal in all areas of a public~~
55 ~~accommodation that the public or customers are normally~~
56 ~~permitted to occupy.~~

57 ~~(a) Documentation that the service animal is trained is~~
58 ~~not a precondition for providing service to an individual~~
59 ~~accompanied by a service animal. A public accommodation may ask~~
60 ~~if an animal is a service animal or what tasks the animal has~~
61 ~~been trained to perform in order to determine the difference~~
62 ~~between a service animal and a pet.~~

63 ~~(b) A public accommodation may not impose a deposit or~~
64 ~~surcharge on an individual with a disability as a precondition~~
65 ~~to permitting a service animal to accompany the individual with~~
66 ~~a disability, even if a deposit is routinely required for pets.~~

67 ~~(c) An individual with a disability is liable for damage~~
68 ~~caused by a service animal if it is the regular policy and~~
69 ~~practice of the public accommodation to charge nondisabled~~
70 ~~persons for damages caused by their pets.~~

71 ~~(d) The care or supervision of a service animal is the~~
72 ~~responsibility of the individual owner. A public accommodation~~
73 ~~is not required to provide care or food or a special location~~

Amendment No. 1

74 ~~for the service animal or assistance with removing animal~~
75 ~~excrement.~~

76 ~~(c) A public accommodation may exclude or remove any~~
77 ~~animal from the premises, including a service animal, if the~~
78 ~~animal's behavior poses a direct threat to the health and safety~~
79 ~~of others. Allergies and fear of animals are not valid reasons~~
80 ~~for denying access or refusing service to an individual with a~~
81 ~~service animal. If a service animal is excluded or removed for~~
82 ~~being a direct threat to others, the public accommodation must~~
83 ~~provide the individual with a disability the option of~~
84 ~~continuing access to the public accommodation without having the~~
85 ~~service animal on the premises.~~

86 ~~(3)(4)~~ Any person, firm, or corporation, or the agent of
87 any person, firm, or corporation, who denies or interferes with
88 admittance to, or enjoyment of, a public accommodation or
89 otherwise interferes with the rights of an individual with a
90 disability ~~or the trainer of a service animal while engaged in~~
91 ~~the training of such an animal pursuant to subsection (8),~~
92 commits a misdemeanor of the second degree, punishable as
93 provided in s. 775.082 or s. 775.083.

94 ~~(4)(5)~~ It is the policy of this state that an individual
95 with a disability be employed in the service of the state or
96 political subdivisions of the state, in the public schools, and
97 in all other employment supported in whole or in part by public
98 funds, and an employer may not refuse employment to such a
99 person on the basis of the disability alone, unless it is shown
100 that the particular disability prevents the satisfactory
101 performance of the work involved.

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Published On: 1/30/2012 7:14:47 PM

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102 ~~(5)(6)~~ An individual with a disability is entitled to
103 rent, lease, or purchase, as other members of the general
104 public, any housing accommodations offered for rent, lease, or
105 other compensation in this state, subject to the conditions and
106 limitations established by law and applicable alike to all
107 persons. ~~(a)~~ This section does not require any person renting,
108 leasing, or otherwise providing real property for compensation
109 to modify her or his property in any way or provide a higher
110 degree of care for an individual with a disability than for a
111 person who is not disabled.

112 ~~(b) An individual with a disability who has a service~~
113 ~~animal or who obtains a service animal is entitled to full and~~
114 ~~equal access to all housing accommodations provided for in this~~
115 ~~section, and such a person may not be required to pay extra~~
116 ~~compensation for the service animal. However, such a person is~~
117 ~~liable for any damage done to the premises or to another person~~
118 ~~on the premises by such an animal. A housing accommodation may~~
119 ~~request proof of compliance with vaccination requirements.~~

120 ~~(6)(7)~~ An employer covered under subsection ~~(4)(5)~~ who
121 discriminates against an individual with a disability in
122 employment, unless it is shown that the particular disability
123 prevents the satisfactory performance of the work involved, or
124 any person, firm, or corporation, or the agent of any person,
125 firm, or corporation, providing housing accommodations as
126 provided in subsection ~~(5)(6)~~ who discriminates against an
127 individual with a disability, commits a misdemeanor of the
128 second degree, punishable as provided in s. 775.082 or s.
129 775.083.

Amendment No. 1

130 ~~(8) Any trainer of a service animal, while engaged in the~~
131 ~~training of such an animal, has the same rights and privileges~~
132 ~~with respect to access to public facilities and the same~~
133 ~~liability for damage as is provided for those persons described~~
134 ~~in subsection (3) accompanied by service animals.~~

135 Section 3. Section 413.083, Florida Statutes, is created
136 to read:

137 413.083 Use of a service animal; penalties.--

138 (1). For use in this section and section 413.081, the term:

139 (a) "Individual requiring assistance" means any person who
140 is deaf, hard of hearing as defined in s. 413.08(1)(b)1., blind,
141 visually impaired, physically disabled as defined in s.
142 413.08(1)(b)2., or who has a psychological or neurological
143 disability.

144 (b) "Owner" means a person who owns a service animal or
145 who is authorized by the owner to use a service animal.

146 (c) "Service animal" means any domesticated animal that is
147 individually trained to do work or perform tasks for the benefit
148 of an individual with a disability, including a physical,
149 sensory, psychiatric, intellectual, or other mental disability.
150 The work or tasks performed by a service animal must be directly
151 related to the handler's disability. Examples of work or tasks
152 include, but are not limited to, assisting individuals who are
153 blind or have low vision with navigation and other tasks,
154 alerting individuals who are deaf or hard of hearing to the
155 presence of people or sounds, providing non-violent protection
156 or rescue work, pulling a wheelchair, assisting an individual
157 during a seizure, alerting individuals to the presence of

Amendment No. 1

158 allergens, retrieving items such as medicine or the telephone,
159 providing physical support and assistance with balance and
160 stability to individuals with mobility disabilities, and helping
161 persons with psychiatric and neurological disabilities by
162 preventing or interrupting impulsive or destructive behaviors.
163 The crime deterrent effects of an animal's presence and the
164 provision of emotional support, well-being, comfort, or
165 companionship do not constitute work or tasks for the purposes
166 of this definition.

167 (2) An individual requiring assistance has the right to be
168 accompanied by a service animal in all areas of a public
169 accommodation that the public or customers are normally
170 permitted to occupy. If an individual requiring assistance or a
171 person who trains service animals is a student at a private or
172 public school in the state, that person has the right to be
173 accompanied by a service animal subject to the conditions
174 established under this section.

175 (a) Documentation that the service animal is trained is
176 not a precondition for providing service to an individual
177 accompanied by a service animal. A public accommodation may ask
178 if an animal is a service animal or what tasks the animal has
179 been trained to perform in order to determine the difference
180 between a service animal and a pet.

181 (b) A public accommodation may not impose a deposit or
182 surcharge on an individual requiring assistance as a
183 precondition to permitting a service animal to accompany the
184 individual requiring assistance, even if a deposit is routinely
185 required for pets.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1077 (2012)

Amendment No. 1

186 (c) An individual with a disability is liable for damage
187 caused by a service animal if it is the regular policy and
188 practice of the public accommodation to charge nondisabled
189 persons for damages caused by their pets.

190 (d) The care or supervision of a service animal is the
191 responsibility of the individual owner. A public accommodation
192 is not required to provide care or food or a special location
193 for the service animal or assistance with removing animal
194 excrement unless required by any federal agency, federal law, or
195 federal regulation. In those instances, if a public
196 accommodation has a secured area, the public accommodation must
197 provide a special location for the service animal to relieve
198 itself within that secured area.

199 (e) A public accommodation may exclude or remove any
200 animal from the premises, including a service animal, if the
201 animal fails to remain under the control of the handler or if
202 the animal's behavior is inappropriate, including, but not
203 limited to, growling, excessive barking, or biting, or poses a
204 direct threat to the health and safety of others. Allergies and
205 fear of animals are not valid reasons for denying access or
206 refusing service to an individual with a service animal. If a
207 service animal is excluded or removed for being a direct threat
208 to others, the public accommodation must provide the individual
209 requiring assistance the option of continuing access to the
210 public accommodation without having the service animal on the
211 premises.

212 (3) Any person, firm, or corporation, or the agent of any
213 person, firm, or corporation, who denies or interferes with

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Amendment No. 1

214 admittance to, or enjoyment of, a public accommodation,
215 interferes with the renting, leasing, or purchasing of housing
216 accommodations, or otherwise interferes with the rights of an
217 individual requiring assistance while using a service animal or
218 the trainer of a service animal while engaged in the training of
219 such an animal pursuant to subsection (5):

220 (a) On the first offense, commits a noncriminal violation
221 punishable as provided in s. 775.083. The offender may contest
222 the citation or may, within 30 days after receiving the
223 citation, elect to pay a civil penalty of \$50 plus court costs.

224 (b) On a second or subsequent offense, commits a
225 misdemeanor of the second degree, punishable as provided in s.
226 775.082 or s. 775.083.

227 (4) An individual requiring assistance who is accompanied
228 by a service animal is entitled to full and equal advantages,
229 facilities, and privileges in all housing accommodations and is
230 entitled to rent, lease, or purchase, as other members of the
231 general public, any housing accommodations offered for rent,
232 lease, or other compensation in this state, subject to the
233 conditions and limitations established by law and applicable
234 alike to all persons.

235 (a) This section does not require any person renting,
236 leasing, or otherwise providing real property for compensation
237 to modify her or his property in any way or provide a higher
238 degree of care for an individual requiring assistance than for a
239 person who is not disabled.

240 (b) An individual requiring assistance who has a service
241 animal, who obtains a service animal, or an individual who is

Amendment No. 1

242 the trainer of a service animal is entitled to full and equal
243 access to all housing accommodations provided for in this
244 section, and such a person may not be required to pay extra
245 compensation for the service animal. However, such a person is
246 liable for any damage done to the premises or to another person
247 on the premises by such an animal. A housing accommodation may
248 request proof of compliance with vaccination requirements.

249 (5) Any person who trains a service animal, while engaged
250 in the training of such an animal, has the same rights and
251 privileges with respect to access to public facilities and
252 housing accommodations and the same liability for damage as is
253 provided for a person described in subsection (2) accompanied by
254 service animals.

255 (6) A person who knowingly and fraudulently represents
256 herself or himself, through her or his conduct or verbal or
257 written notice, as the owner or trainer of a service animal
258 commits a misdemeanor of the second degree, punishable as
259 provided in s. 775.082 or s. 775.083.

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

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

265

Remove the entire title and insert:

266

An act relating to service animals; providing a short title;

267

amending s. 413.08, F.S.; removing definitions; removing

268

provisions related to service animals; renumbering subsequent

269

subsections; creating s. 413.083, F.S.; providing definitions;

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Published On: 1/30/2012 7:14:47 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1077 (2012)

Amendment No. 1

270 providing rights for an individual with a service animal to be
271 accompanied by the service animal; providing requirements for
272 documentation; providing restrictions for a public accommodation
273 imposing a deposit or surcharge; providing for liability of a
274 service animal; providing responsibility of supervision of a
275 service animal; providing conditions for exclusion or removal of
276 a service animal from a public accommodation; providing a
277 penalty for denying or interfering with the right to enjoy a
278 public accommodation; providing for rights to housing
279 accommodations for an owner of a service animal; providing
280 limitations; providing rights of housing to the owner or trainer
281 of a service animal with liability; providing rights to a
282 trainer of service animals; providing a penalty for
283 misrepresentation as a trainer; providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 1123 : Effects of Crimes

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: 13		Total Nays: 0			

HB 1123 Amendments

Amendment 598285

Adopted Without Objection

Amendment 948551

Adopted Without Objection

Appearances:

HB 1123

Heyman, Sally (General Public) - Waive In Support
Commissioner, Miami-Dade County
111 NW 1st Strret
Miami FL 33128
Phone: 305-375-5128

HB 1123

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

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1123 (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
1.31.12*

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

3
4
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7

Amendment

Remove lines 48-52 and insert:
this sub-subparagraph, the term "family member" means a spouse,
child, parent, or sibling, whether the individual

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 _____

*favourable
1.31.12*

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

Amendment (with title amendment)

Remove lines 65-77 and insert:

6 (1) A parent who is convicted of abusing, abandoning, or
 7 neglecting a minor child as defined in s. 39.01, committing a
 8 violation of s. 827.03 against the child, or sexually abusing
 9 the minor child as defined in s. 39.01 shall lose all right to
 10 the intestate succession in any part of the child's estate and
 11 all right to administer the estate of the child, unless a court
 12 determines that the parent and child had subsequently reconciled
 13 and the parent-child relationship was restored.

14 (2) If a parent is disqualified from taking a distributive
 15 share in the decedent's estate under this section, the
 16 decedent's estate shall be distributed as though the parent had
 17 predeceased the decedent.

Amendment No. 2

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

Remove lines 9-12 and insert:

732.8025, F.S.; providing that a parent who is
convicted of specified offenses against a minor child
shall lose all right to the intestate succession in
the child's estate and all right to administer the
estate; providing an exception if a court determines
that the parent-child relationship was subsequently
restored;

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

CS/HB 1163 : Adoption

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: 15		Total Nays: 0			

Appearances:

CS/HB 1163

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/HB 1163

Strowbridge, Patricia (General Public) - Waive In Support

Florida Adoption Council

1516 E Colonial Drive, Suite 202

Orlando FL 34786

Phone: 407-920-8999

CS/HB 1163

Gonzalez, Frank (General Public) - Opponent

General Counsel, Childrens Home Society of Florida

1485 S Semoran Blvd

Winter Park FL 32792

Phone: 321-397-0047

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 1209 : Application of Foreign Law in Certain Cases

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 1209

Grant, John (Lobbyist) - Proponent

10025 Orange Grove Drive

Tampa FL 33618

Phone: 813-787-9900

HB 1209

Burch Fort, Pamela (Lobbyist) - Waive In Opposition

ACLU

104 S Monroe St

Tallahassee FL 32301

Phone: (850) 425-1344

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 1327 : Abortion

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: 7		Total Nays: 5			

Appearances:

HB 1327

Saunders, Joe (General Public) - Waive In Opposition
Field Director, Equality Florida
5519 Scaramuche Lane
Orlando FL 32821
Phone: 407-497-4986

HB 1327

Caponetti, Emily (Lobbyist) - Opponent
Florida Alliance of Planned Parenthood Affiliates
1327 Hermitage Blvd Apt 12303
Tallahassee FL
Phone: (850) 559-2223

HB 1327

Kahn, Nadine (General Public) - Waive In Opposition
Tallahassee FL 32301

HB 1327

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

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

HB 1327 : Abortion (continued)

Appearances: (continued)

HB 1327

Burch Fort, Pamela (Lobbyist) - Waive In Opposition

ACLU

104 S Monroe St

Tallahassee FL 32301

Phone: (850) 425-1344

HB 1327

Hopkins, Sheila (Lobbyist) - Waive In Support

Florida Catholic Conference

201 W Park Ave

Tallahassee FL 32301-7715

Phone: (850)222-3803

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

PCS for HB 1351 : Homeless Youth

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: 15		Total Nays: 0			

Appearances:

PCS for HB 1351

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

PCS for HB 1351

Milito, Connie (Lobbyist) - Waive In Support

School District of Hillsborough County

901 E Kennedy Blvd

Tampa FL 33602

Phone: (813)272-4519

PCS for HB 1351

Hopkins, Sheila (Lobbyist) - Waive In Support

Florida Catholic Conference

201 W Park Ave

Tallahassee FL 32301-7715

Phone: (850)222-3803

PCS for HB 1351

Curva, Fely (Lobbyist) - Waive In Support

FI Coalition for the Homeless

1212 Piedmont Drive

Tallahassee FI 32312

Phone: 850-508-2256

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

PCS for HB 1351 : Homeless Youth (continued)

Appearances: (continued)

PCS for HB 1351

Walker, Stephanie (General Public) - Proponent

Armwood High School

Brandon FL

PCS for HB 1351

Pirotta, Tony (General Public) - Proponent

Armwood High School

Brandon FL

PCS for HB 1351

Ireland, Jessica (General Public) - Proponent

Armwood High School

Brandon FL

PCS for HB 1351

Himes, Michael (General Public) - Proponent

Armwood High School

Brandon FL

PCS for HB 1351

Brooks, Tiara (General Public) - Proponent

Armwood High School

Brandon FL

PCS for HB 1351

Wilson, Tori (General Public) - Proponent

Armwood High School

Brandon FL

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

PCS for HB 149 : Website Notice of Foreclosure Action

Unfavorable

	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: 5		Total Nays: 9			

PCS for HB 149 Amendments

Amendment PCS for HB 149 a1

Adopted Without Objection

Appearances:

PCS for HB 149

Mulligan, Gerry (General Public) - Opponent
Publisher, Citrus City Chronicle
Crystal River FL
Phone: 352-563-3222

PCS for HB 149

Kirk, Erik (Lobbyist) - Waive In Support
Meridian Technologies
P O Box 403
Tallahassee FL

PCS for HB 149

Barker, Dorene (Lobbyist) - Waive In Opposition
Legislative Director, Florida Legal Services
2425 Torreya Drive
Tallahassee Florida 32303
Phone: 880-509-3631

Committee meeting was reported out: Tuesday, January 31, 2012 1:28:42PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

PCS for HB 149 : Website Notice of Foreclosure Action (continued)

Appearances: (continued)

PCS for HB 149

Barfield, Tammie (General Public) - Opponent
General Manager, Wakulla News
3119A Crawfordville Hwy
Crawfordville FL 32327
Phone: 850-926-7102

PCS for HB 149

Ridings, H. (Lobbyist) - Opponent
Florida Press Association
336 E College Ave Ste 201
Tallahassee FL 32301
Phone: (850)521-1162

PCS for HB 149

Malaney, Wayne (Lobbyist) - Opponent
Bailey Publishing & Communications, Inc
10 N Newnan St
Jacksonville FL 32202
Phone: (850)906-9069

PCS for HB 149

Milsted, Charles (Lobbyist) - Waive In Opposition
AARP
400 Carillon Pky Ste 100
St Petersburg FL 33716
Phone: (850)577-5190

PCS for HB 149

Mortham, Sandra (Lobbyist) - Waive In Support
US Legal Pubs
6675 Weeping Willow Way
Tallahassee FL 32311
Phone: 850-251-2283

PCS for HB 149

Fuller, Jim (General Public) - Proponent
Clerk of Court, Duval County
14510 Chesham Court
Jacksonville FL 32258
Phone: 904-630-7574

PCS for HB 149

Cusick, Erin (Lobbyist) - Waive In Support
Florida Association of Counties
2114 La Rochelle Drive
Tallahassee FL 32308
Phone: 850-321-8523

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

PCS for HB 149 : Website Notice of Foreclosure Action (continued)

Appearances: (continued)

PCS for HB 149

Meadows, Matthew (General Public) - Opponent
Chair, Public Notice Coalition

PCS for HB 149

Kottkamp, Jeff (Lobbyist) - Opponent
Keep the Public Notice Coalition
3311 Dartmoor Drive
Tallahassee FL

PCS for HB 149

Cory, Jack (Lobbyist) - Opponent
Daily Business Review
One SE Third Ave Ste 900
Miami FL 33131
Phone: (850)893-0995

PCS for HB 149

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

PCS for HB 149

Dunbar, Peter (Lobbyist) - Proponent
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: Tuesday, January 31, 2012 1:28:42PM

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
1-31-12*

1 Committee/Subcommittee hearing PCB: Civil Justice Subcommittee
2 Representative Baxley offered the following:

4 **Amendment**

5 Remove lines 36-145 and insert:
6 by the clerk of court.

7 (b)1. Maintain a legal publication, advertisement, notice
8 of sale as provided in s. 45.031, or notice relating to a
9 foreclosure proceeding as provided in s. 702.035 for 90 days
10 following the first day of posting or for as long as provided in
11 paragraph (6)(b) or paragraph (6)(c).

12 2. Maintain a searchable archive of all legal
13 publications, advertisements, notices of sale, and notices
14 relating to foreclosure proceedings previously posted on the
15 publically accessible website as provided in subparagraph 1. for
16 10 years following the first day of posting.

17 (c) A link to the website must be displayed on the
18 homepage of the clerk of court in a conspicuous location with

Amendment No. 1

19 the heading "Electronic Legal Publications and Legal Notices
20 Related to Foreclosures."

21 (d) Maintain a customer support line by the website
22 hosting company with respect to technical issues that may arise
23 with the website, with live electronic communication and
24 telephone support provided by the website provider between the
25 hours of 8 a.m. and 6 p.m., E.S.T., Monday through Friday,
26 excluding legal holidays.

27 (e) Post information other than the legal publication,
28 advertisement, notice of sale, or notice relating to a
29 foreclosure proceeding in English and Spanish.

30 (f) Post online tutorials for users.

31 (g) Be maintained on a data center that is compliant with
32 the Statement on Auditing Standards No. 70. The website provider
33 shall provide a certificate of compliance to the Florida Clerks
34 of Court Operations Corporation.

35 (3) A user may not be required to register with the
36 website and may not be charged for access to active or archived
37 postings of legal publications, advertisements, notices of sale,
38 or notices relating to foreclosure proceedings that are posted
39 as provided in subparagraphs (2)(b)1. and 2.

40 (4)(a) Each clerk of court and deputy clerk shall have 24-
41 hour access at no charge to all records relevant to the legal
42 publications, advertisements, notices of sale, and notices
43 relating to foreclosure proceedings in the county of that clerk
44 of court through a fully secure portal accessed by a distinct
45 user name and password.

Amendment No. 1

46 (b) Each circuit judge, appellate judge, and their staff,
47 shall have access at no charge to all documents published or
48 maintained on the website.

49 (5) The website provider shall develop and maintain on
50 file, and provide to the clerk of court and the chief judge of
51 the judicial circuit, a disaster recovery plan for the website.

52 (6) (a) The website provider shall publish its affidavits
53 electronically in substantial conformity with ss. 50.041 and
54 50.051, and may use an electronic notary seal.

55 (b) Legal publications to effect constructive service of
56 process under chapter 49 shall be posted within 3 business days,
57 excluding court holidays, after issuance of a notice of action
58 by the clerk of court or judge and shall continue for at least
59 90 consecutive days.

60 (c) Advertisements or notices of sale as provided in s.
61 45.031, including notices relating to foreclosure proceedings as
62 provided in s. 702.035, shall be posted within 3 business days,
63 excluding court holidays, after the date for the foreclosure
64 sale is set, and shall continue for 10 days after the
65 foreclosure sale or for 90 consecutive days, whichever period is
66 longer. This paragraph does not affect the remaining provisions
67 in s. 45.031 except as provided herein.

68 (d) If the defendant refuses to accept or evades service
69 or if the agent serving process is unable to effect service,
70 legal publication or advertisement shall be posted on the
71 website beginning on the date that the affidavit of nonservice
72 is recorded and shall continue through the conclusion of the
73 action or for 90 consecutive days, whichever period is longer.

PCS for HB 149 a1

Published On: 1/30/2012 7:09:51 PM

Amendment No. 1

74 (7) The legal publication, advertisement, or notice of
75 sale as provided in s. 45.031, including the notice relating to
76 a foreclosure proceeding as provided in s. 702.035, on the
77 website must conform substantially with the requirements of s.
78 50.011, unless inconsistent with this section.

79 (8) Each clerk of the circuit court may contract with a
80 single publicly accessible Internet website provider for legal
81 publication, advertisement, or notice of sale as provided in s.
82 45.031, including notice relating to a foreclosure proceeding as
83 provided in s. 702.035. Each contract shall be for a one year
84 term, and shall provide:

85 (a) That title and ownership of all data is and shall
86 remain in the clerk of the circuit court.

87 (b) For the right of the clerk to inspect the physical
88 plant, books and records of the provider at any time without
89 notice.

90 (c) That the provider will operate in a physical location
91 within the state. However, this requirement shall not preclude
92 the provider from subcontracting with a provider for emergency
93 data backup services maintained in another state.

94 (d) For termination by the clerk without notice upon a
95 finding of material breach of the contract.

96 (e) That the provider is subject to the public records laws
97 of the state.

98 (f) That advertisements:

99 1. May not exceed 20% of the total visible space at any
100 given point on the webpage when viewed using any browser whose

Amendment No. 1

101 page impressions exceeds 1% of the total impressions to the
102 website.

103 2. Shall clearly be indicated as advertisements.

104 3. Shall clearly indicate that such advertisements are not
105 endorsed by the clerk of the court.

106 4. Shall be confined to a certain physical space and shall
107 not expand or contract.

108 5. May not place a tracking cookie on the computer of a
109 website visitor.

110 (g) A method for the website provider to publish affidavits
111 with the clerk in accordance with subsection (6)(a).

112 (9) The provider shall be chosen by competitive sealed
113 bids in the manner contemplated by s. 287.057(a), however the
114 clerk is not otherwise bound to ch. 287 procurement rules. The
115 maximum bid shall be \$100 per advertisement. The clerk shall,
116 from all qualified bidders, determine the lowest bid based on
117 the fees per legal advertisement. The winning bid shall be the
118 lowest offered fee per advertisement, subject to the clerk's
119 discretion as to the ability of the winning bidder to provide
120 the services set forth in the bid. If the two lowest bidders
121 have identical bids, the clerk shall select the most responsible
122 bidder. Two or more clerks may conduct a joint procurement.

123 (10) For purposes of this section, the term:

124 (a) "Website hosting company" means the company that hosts
125 the web server on which the website of the provider resides.

126 (b) "Website provider" means the company or individual
127 contracted by the clerk of court to provide the service of

128

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

PCS for HB 451 : Fraudulent Transfers

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 451

Patterson, John (General Public) - Proponent

Girls Incorporated of Sarasota County

46 N Washington Blvd, #1

Sarasota FL 34236

Phone: 941-365-0550

PCS for HB 451

Feltz, Stephania (General Public) - Proponent

Executive Director, Girls Incorporated of Sarasota

201 S Tuttle Avenue

Sarasota FL 34237

Phone: 941-366-6646

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

1/31/2012 8:00:00AM

Location: 404 HOB

PCS for HB 701 : Florida Evidence Code

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			

Appearances:

PCS for HB 701

Trammell, Robert (Lobbyist) - Waive In Support

Florida Public Defender Association, Inc

PO Box 11057

Tallahassee FL 32302

Phone: (850)510-2187

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