



Judiciary Committee

March 13, 2014

8:00 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

Summary:

Judiciary Committee

Thursday March 13, 2014 08:00 am

| | | | |
|------------------|-------------------------------------|----------|---------|
| HB 23 | Favorable | Yeas: 15 | Nays: 0 |
| CS/HB 405 | Favorable With Committee Substitute | Yeas: 18 | Nays: 0 |
| Amendment 193569 | Adopted Without Objection | | |
| CS/CS/HB 425 | Favorable | Yeas: 18 | Nays: 0 |
| CS/HB 635 | Favorable | Yeas: 17 | Nays: 0 |
| HB 7039 | Temporarily Deferred | | |
| Amendment 091133 | Withdrawn | | |
| PCB JDC 14-01 | Favorable | Yeas: 18 | Nays: 0 |

Committee meeting was reported out: Thursday, March 13, 2014 10:42:35AM

COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|-----------------------|----------------|---------------|----------------|
| Dennis Baxley (Chair) | X | | |
| Daphne Campbell | X | | |
| Dwight Dudley | X | | |
| Heather Fitzenhagen | X | | |
| Matt Gaetz | X | | |
| Bill Hager | X | | |
| Dave Kerner | X | | |
| Charles McBurney | X | | |
| Kionne McGhee | X | | |
| Larry Metz | X | | |
| Jared Moskowitz | X | | |
| Kathleen Passidomo | X | | |
| Ray Pilon | X | | |
| Daniel Raulerson | X | | |
| Kenneth Roberson | X | | |
| Elaine Schwartz | X | | |
| Ross Spano | X | | |
| Charlie Stone | X | | |
| Totals: | 18 | 0 | 0 |

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COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 23 : Canned or Perishable Food Distributed Free of Charge

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Daphne Campbell | X | | | | |
| Dwight Dudley | | | X | | |
| Heather Fitzenhagen | X | | | | |
| Matt Gaetz | X | | | | |
| Bill Hager | X | | | | |
| Dave Kerner | X | | | | |
| Charles McBurney | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | | | | X | |
| Jared Moskowitz | X | | | | |
| Kathleen Passidomo | X | | | | |
| Ray Pilon | X | | | | |
| Daniel Raulerson | | | X | | |
| Kenneth Roberson | X | | | | |
| Elaine Schwartz | X | | | | |
| Ross Spano | X | | | | |
| Charlie Stone | X | | | | |
| Dennis Baxley (Chair) | X | | | | |
| Total Yeas: 15 | | | | | |
| | | Total Nays: 0 | | | |

Appearances:

HB 23

Padgett, Diana (Lobbyist) - Waive In Support
 Florida School Nutrition Association
 1371 Millstream Rd
 Tallahassee FL 32312
 Phone: 850)212-4204

HB 23

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

HB 23

Daly, Erin (Lobbyist) - Waive In Support
 Florida Alliance of Boys & Girls Clubs
 110 E College Ave
 Tallahassee FL 32301
 Phone: 850-681-1065

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COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 405 : Trusts

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Daphne Campbell | X | | | | |
| Dwight Dudley | X | | | | |
| Heather Fitzenhagen | X | | | | |
| Matt Gaetz | X | | | | |
| Bill Hager | X | | | | |
| Dave Kerner | X | | | | |
| Charles McBurney | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | X | | | | |
| Jared Moskowitz | X | | | | |
| Kathleen Passidomo | X | | | | |
| Ray Pilon | X | | | | |
| Daniel Raulerson | X | | | | |
| Kenneth Roberson | X | | | | |
| Elaine Schwartz | X | | | | |
| Ross Spano | X | | | | |
| Charlie Stone | X | | | | |
| Dennis Baxley (Chair) | X | | | | |
| Total Yeas: 18 | | Total Nays: 0 | | | |

CS/HB 405 Amendments

Amendment 193569

Adopted Without Objection

Appearances:

CS/HB 405

Pratt, Kenneth (Lobbyist) - Waive In Support

Florida Bankers Association
1001 Thomasville Rd Ste 201
Tallahassee FL 32308
Phone: 850)224-2265

CS/HB 405

Pitts, Brian - Information Only

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

Committee meeting was reported out: Thursday, March 13, 2014 10:42:35AM



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 _____

*Adopted without
Objection
3.13.14*

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (9) of section 736.0703, Florida Statutes, is amended to read:

736.0703 Cotrustees.—

(9) If the terms of a trust instrument provide for the appointment of more than one trustee but confer upon one or more of the trustees, to the exclusion of the others, the power to direct or prevent specified actions of the trustees, the excluded trustees shall act in accordance with the exercise of the power. Except in cases of willful misconduct on the part of the excluded trustee with the authority to direct or prevent actions of the trustees of which the excluded trustee has actual knowledge, an excluded trustee is not liable, individually or as



Amendment No. 1

18 a fiduciary, for any consequence that results from compliance
 19 with the exercise of the power, ~~regardless of the information~~
 20 ~~available to the excluded trustees.~~ An The excluded trustee does
 21 not have a duty or an trustees are relieved of any obligation to
 22 review, inquire, investigate, or make recommendations or
 23 evaluations with respect to the exercise of the power. The
 24 trustee or trustees having the power to direct or prevent
 25 actions of the excluded trustees shall be liable to the
 26 beneficiaries with respect to the exercise of the power as if
 27 the excluded trustees were not in office and shall have the
 28 exclusive obligation to account to and to defend any action
 29 brought by the beneficiaries with respect to the exercise of the
 30 power. The provisions of s. 736.0808(2) do not apply if the
 31 person entrusted with the power to direct the actions of the
 32 excluded trustee is also a cotrustee.

33 Section 2. This act shall take effect July 1, 2014.

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

39 Remove everything before the enacting clause and insert:
 40 An act relating to trusts; amending s. 736.0703, F.S.; limiting
 41 the liability of excluded trustees; providing that certain
 42 powers to direct the actions of a trustee are not applicable
 43 under certain circumstances; providing an effective date.

COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/CS/HB 425 : Condominiums

Favorable

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Daphne Campbell | X | | | | |
| Dwight Dudley | X | | | | |
| Heather Fitzenhagen | X | | | | |
| Matt Gaetz | X | | | | |
| Bill Hager | X | | | | |
| Dave Kerner | X | | | | |
| Charles McBurney | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | X | | | | |
| Jared Moskowitz | X | | | | |
| Kathleen Passidomo | X | | | | |
| Ray Pilon | X | | | | |
| Daniel Raulerson | X | | | | |
| Kenneth Roberson | X | | | | |
| Elaine Schwartz | X | | | | |
| Ross Spano | X | | | | |
| Charlie Stone | X | | | | |
| Dennis Baxley (Chair) | X | | | | |
| Total Yeas: 18 | | Total Nays: 0 | | | |

Appearances:

CS/CS/HB 425

Edenfield, Martha (Lobbyist) - Waive In Support

Real Property, Probate & Trust Law Section

215 S Monroe St, #815

Tallahassee FL

Phone: 850-999-4100

CS/CS/HB 425

Pitts, Brian - Waive In Opposition

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

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COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 635 : Guardianship

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Daphne Campbell | X | | | | |
| Dwight Dudley | X | | | | |
| Heather Fitzenhagen | X | | | | |
| Matt Gaetz | X | | | | |
| Bill Hager | X | | | | |
| Dave Kerner | X | | | | |
| Charles McBurney | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | X | | | | |
| Jared Moskowitz | X | | | | |
| Kathleen Passidomo | X | | | | |
| Ray Pilon | X | | | | |
| Daniel Raulerson | X | | | | |
| Kenneth Roberson | | | | X | |
| Elaine Schwartz | X | | | | |
| Ross Spano | X | | | | |
| Charlie Stone | X | | | | |
| Dennis Baxley (Chair) | X | | | | |
| Total Yeas: 17 | | Total Nays: 0 | | | |

Appearances:

CS/HB 635

Rushing, Karen (General Public) - Waive In Support

Florida Clerks

2000 Main Street

Sarasota FL

Phone: 941-861-7605

CS/HB 635

Bradin, Elizabeth (Lobbyist) - Waive In Support

Disability Rights Florida

519 E Park Ave

Phone: 321-508-2896

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COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 7039 : Unlicensed Practice of Law

Temporarily Deferred

HB 7039 Amendments

Amendment 091133

Withdrawn

Appearances:

HB 7039

Sketchley, Twyla (General Public) - Information Only

Elder Law Attorneys
3689 Coolidge Court Suite 8
Tallahassee FL 32311
Phone: (850) 894-0152

HB 7039

Metz, Stephen (Lobbyist) - Opponent

Florida Bar, The
215 S Monroe Street, Suite 505
Tallahassee FL 32301
Phone: (850)205-9000

HB 7039

Holcomb, Lori (General Public) - Opponent

Director, Client Protection, The Florida Bar
651 E Jefferson Street
Tallahassee FL 32399-2300
Phone: 850-561-5840

HB 7039

Pitts, Brian - Information Only

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

HB 7039

Moore, Travis (Lobbyist) - Information Only

Community Associations Institute
P O Box 781
Largo FL
Phone: 727-421-6902

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COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 7039 : Unlicensed Practice of Law (continued)

Appearances: (continued)

HB 7039

ANDERSON, MARK (Lobbyist) (General Public) - Proponent

CHIEF EXECUTIVE OFFICERS OF MANAGEMENT COMPANIES (CEOMC)

121 NORTH MONROE STREET #1401

TALLAHASSEE FL 32301

Phone: 8503206659

Committee meeting was reported out: Thursday, March 13, 2014 10:42:35AM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Withdrawn
3.13.14*

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

Amendment

Remove lines 37-39 and insert:

court rule;

(g) Representation before a legislative body, committee, commission, or board; or

(h) Acting as a qualified representative before an administrative body.

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COMMITTEE MEETING REPORT

Judiciary Committee

3/13/2014 8:00:00AM

Location: Sumner Hall (404 HOB)

PCB JDC 14-01 : Renaming the Parole Commission

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|-----------------------|-----------------------|----------------------|----------------|-------------------------|-------------------------|
| Daphne Campbell | X | | | | |
| Dwight Dudley | X | | | | |
| Heather Fitzenhagen | X | | | | |
| Matt Gaetz | X | | | | |
| Bill Hager | X | | | | |
| Dave Kerner | X | | | | |
| Charles McBurney | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | X | | | | |
| Jared Moskowitz | X | | | | |
| Kathleen Passidomo | X | | | | |
| Ray Pilon | X | | | | |
| Daniel Raulerson | X | | | | |
| Kenneth Roberson | X | | | | |
| Elaine Schwartz | X | | | | |
| Ross Spano | X | | | | |
| Charlie Stone | X | | | | |
| Dennis Baxley (Chair) | X | | | | |
| | Total Yeas: 18 | Total Nays: 0 | | | |

Appearances:

PCB JDC 14-01

Pate, Tena M. (Lobbyist) - Proponent

Chair, Florida Parole Commission

4070 Esplanade Way

Tallahassee FL 32399-2450

Phone: 850-487-1980

Committee meeting was reported out: Thursday, March 13, 2014 10:42:35AM