



Civil Justice Subcommittee

March 13, 2013

12:00 PM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Wednesday March 13, 2013 12:00 pm

CS/HB 13	Favorable	Yeas: 12	Nays: 0
HB 643	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 347909	Adopted Without Objection	
	Amendment 536163	Adopted Without Objection	
	Amendment 415453	Adopted Without Objection	
HB 841	Favorable	Yeas: 13	Nays: 0
HB 887	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 566285	Adopted Without Objection	
HB 903	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 245147	Adopted Without Objection	
	Amendment 902891	Adopted Without Objection	
HB 935	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 049303	Adopted Without Objection	
HB 941	Favorable	Yeas: 13	Nays: 0
HB 943	Favorable	Yeas: 13	Nays: 0
HB 1125	Favorable With Committee Substitute	Yeas: 11	Nays: 2
	Amendment 626171	Adopted Without Objection	
	Amendment 734067	Failed to Adopt	
HB 1297	Favorable	Yeas: 13	Nays: 0
HB 7025	Favorable	Yeas: 12	Nays: 0
PCS for HB 693	Favorable	Yeas: 12	Nays: 0
PCS for HB 775	Favorable	Yeas: 13	Nays: 0
PCS for HB 833	Favorable	Yeas: 13	Nays: 0

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Larry Metz (Chair)	X		
Jim Boyd	X		
Michael Clelland	X		
Daniel Davis	X		
Tom Goodson	X		
Bill Hager	X		
Jose Oliva	X		
Kathleen Passidomo	X		
José Rodríguez	X		
Ross Spano	X		
Cynthia Stafford	X		
Charlie Stone	X		
James Waldman	X		
Totals:	13	0	0

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

CS/HB 13 : Use of Wireless Communications Devices While Driving

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez				X	
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

Appearances:

Large, Toni (Lobbyist) - Waive In Support
Florida College of Emergency Physicians
3717 S Conway Rd
Orlando FL 32812
Phone: (850)201-0888

Connors, Jordan (Lobbyist) - Waive In Support
City of Port St. Lucie
2145 SW Cape Cod Dr
Port St. Lucie FL 34953
Phone: 772-418-6068

Book, Ronald (Lobbyist) - Waive In Support
AutoNation, Inc
450 E Las Olas Blvd 12th Floor
Ft Lauderdale FL 33301
Phone: (305)935-1866

Labrador, Edward (Lobbyist) - Waive In Support
Broward County
115 S Andrews Ave
Ft Lauderdale FL 33301
Phone: (954)357-7575

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

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Civil Justice Subcommittee

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Location: 404 HOB

CS/HB 13 : Use of Wireless Communications Devices While Driving (continued)

Appearances: (continued)

Deefer, Kristina (General Public) - Waive In Support
Florida Chapter of AAP
775 NW 101st Terrace
Plantation FL 33324
Phone: 954-801-4425

St. Petery, Louis (General Public) - Waive In Support
Executive Vice President, Florida Chapter AAP
1132 Lee Ave
Tallahassee FL 32303
Phone: 850-224-8833

Westfall, Eric (General Public) - Waive In Support
Lieutenant, Volusia County Sheriff's Office
123 W. Indiana Ave
Deland FL 32720
Phone: 386-248-1777

Hester, Gary (General Public) - Waive In Support
Chief of Police, Winter Haven
125 North Lake Silver Dr
Winter Haven FL 33881
Phone: 863-291-5874

Messer, Jim (General Public) - Waive In Support
Florida Justice Association
6960 Standing Pines Ln
Tallahassee FL 32312
Phone: 850-422-7773

McFarland, Karen (Lobbyist) - Waive In Support
AAA
309 Oaks Will Ct
Tallahassee FL 32312
Phone: 850-766-1026

Juarez, Lena (Lobbyist) - Waive In Support
Florida Virtual School
P O Box 10390
Tallahassee FL 32301
Phone: 850-212-8330

Sirianni, Mary Rose (Lobbyist) - Waive In Support
External Affairs Manager, AT
150 S Monroe St., Ste 408
Tallahassee FL
Phone: 850-591-6009

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

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Location: 404 HOB

CS/HB 13 : Use of Wireless Communications Devices While Driving (continued)

Appearances: (continued)

Burton, J R (General Public) - Waive In Support
Major, Hillsborough County Sheriffs Office
2008 E 8th Avenue
Tampa FL 33605
Phone: 813-363-0375

Cory, Keyna (Lobbyist) - Waive In Support
National Solid Wastes Management Association (NSWMA)
1858 Birch Briar Bend
Lawrenceville GA 30043
Phone: (850)893-0995

Carr, Diane (Lobbyist) - Waive In Support
Alliance of Automobile Manufacturers
1401 Eye St NW Ste 900
Washington DC 20005
Phone: (850)222-7500

Rayborn, Keri (Lobbyist) - Waive In Support
Florida Sheriffs Association
PO Box 12519
Tallahassee FL 32317
Phone: (850)524-2394

McCarty, Jess (Lobbyist) - Waive In Support
Assistant County Attorney, Miami-Dade County
111 NW 1st Street Suite 2810
Miami Florida 33128
Phone: 305-979-7110

Cantwell, Laura (Lobbyist) - Waive In Support
AARP
200 West College Avenue Suite 304
Tallahassee FL 32301
Phone: (850)577-5163

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 643 : Clerks of Court

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 643 Amendments

Amendment 347909

Adopted Without Objection

Amendment 536163

Adopted Without Objection

Amendment 415453

Adopted Without Objection

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
3-13-13*

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

4 **Amendment**

5 Remove lines 311-332 and insert:
6 acting on their behalf. The clerk of court may provide the
7 requested public record in an electronic format in lieu of a
8 paper format if the requesting entity is capable of accessing
9 such public record electronically.

10 (2) Notwithstanding any other provision of this chapter or
11 law to the contrary, judges and those court staff acting on
12 behalf of judges, state attorneys, guardians ad litem, public
13 guardians, attorneys ad litem, court-appointed private counsel,
14 criminal conflict and civil regional counsel, ~~and~~ public
15 defenders, and state agencies, while acting in their official
16 capacity, and state agencies, are exempt from all court-related
17 fees and charges assessed by the clerks of the circuit courts.

18 (3) The exemptions from fees or charges provided in this
19 section apply only to state agencies and state entities and the
20 party represented by the agency or entity.



Amendment No. 1

21



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
3-13-13*

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

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Amendment

Remove lines 426-427 and insert:
exemption in s. 119.071(4)(d)2. made pursuant to s.
119.071(4)(d)3. must specify the document type, name,



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
3.13.13*

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

Amendment (with title amendment)

Remove lines 541-855

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

Remove lines 32-62 and insert:

initiates evidence exchange; amending s. 938.30, F.S.; providing

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 841 : Powers of Attorney

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

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

Pratt, Kenneth (Lobbyist) - Waive In Support
Vice President of Governmental Affairs, Florida Bankers Association
1001 Thomasville Rd, Ste 201
Tallahassee FL 32303
Phone: 850-509-8020

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

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 887 : Termination of Parental Rights

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 887 Amendments

Amendment 566285

Adopted Without Objection

Appearances:

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

Dritt, Jennifer (Lobbyist) - Proponent
Florida Council Against Sexual Violence
1820 E Park Avenue, Suite 100
Tallahassee FL 32301
Phone: 850-297-2000

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*favorable
3-13-13*

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (m) is added to subsection (1) of
7 section 39.806, Florida Statutes, and subsection (2) of that
8 section is amended, to read:

9 39.806 Grounds for termination of parental rights.—

10 (1) Grounds for the termination of parental rights may be
11 established under any of the following circumstances:

12 (m) The court determines by clear and convincing evidence
13 that the child was conceived as a result of an act of sexual
14 battery made unlawful pursuant to s. 794.011, or pursuant to a
15 similar law of another state, territory, possession, or Native
16 American tribe where the offense occurred. It is presumed that
17 termination of parental rights is in the best interest of the
18 child if the child was conceived as a result of the unlawful
19 sexual battery. A petition for termination of parental rights
20 under this paragraph may be filed at any time.



Amendment No. 1

21 (2) Reasonable efforts to preserve and reunify families
22 are not required if a court of competent jurisdiction has
23 determined that any of the events described in paragraphs
24 (1)(b)-(d) or paragraphs (1)(f)-(m) ~~(f)-(l)~~ have occurred.

25 Section 2. Subsection (6) of section 39.811, Florida
26 Statutes, is amended to read:

27 39.811 Powers of disposition; order of disposition.-

28 (6) The parental rights of one parent may be severed
29 without severing the parental rights of the other parent only
30 under the following circumstances:

31 (a) If the child has only one surviving parent;

32 (b) If the identity of a prospective parent has been
33 established as unknown after sworn testimony;

34 (c) If the parent whose rights are being terminated became
35 a parent through a single-parent adoption;

36 (d) If the protection of the child demands termination of
37 the rights of a single parent; or

38 (e) If the parent whose rights are being terminated meets
39 any of the criteria specified in s. 39.806(1)(d) and (f)-(m)
40 ~~(f)-(l)~~.

41 Section 3. This act shall take effect July 1, 2013, and
42 applies to all unlawful acts of sexual battery occurring before,
43 on, or after that date.

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



Amendment No. 1

49 Remove everything before the enacting clause and insert:
50 An act relating to termination of parental rights; amending s.
51 39.806, F.S.; providing that a parent's rights may be terminated
52 if the court determines, by clear and convincing evidence, that
53 the child was conceived during an act of unlawful sexual
54 battery; creating a presumption that termination of parental
55 rights is in the best interest of the child if the child was
56 conceived as a result of an unlawful sexual battery; providing
57 that a petition to terminate parental rights may be filed at any
58 time; amending s. 39.811, F.S.; providing for termination of
59 parental rights of only one parent if conception was the result
60 of an unlawful sexual battery; providing an effective date;
61 providing for retroactive application.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 903 : Adverse Possession

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 903 Amendments

Amendment 245147

Adopted Without Objection

Amendment 902891

Adopted Without Objection

Appearances:

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

Ericks, Dave (Lobbyist) - Waive In Support
Broward County Property Appraiser
205 S Adams St
Tallahassee FL 32301
Phone: 850-591-7550

Flowers, Curtis (General Public) - Waive In Support
Major, Hillsborough County Sheriff's Office
2008 E 8th Ave
Tampa FL 33605
Phone: 813-363-0375

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Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3.13.13*

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

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4 **Amendment (with title amendment)**
5 Remove lines 57-62
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10 **T I T L E A M E N D M E N T**

11 Remove lines 5-8 and insert:
12 adversely possessed without color of title; providing an
13



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-13-13*

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

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Amendment

Remove line 39 and insert:
period.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 935 : Florida False Claims Act

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 935 Amendments

Amendment 049303

Adopted Without Objection

Appearances:

Fay, Andrew (Lobbyist) (State Employee) - Proponent
Attorney General's Office
PL 02 Plaza
Tallahassee FL 32301
Phone: (850) 245-0187

Kent, Russell (State Employee) - Waive In Support
Special Counsel, Attorney General's Office
Capitol
Tallahassee FL

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

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Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Favorable
3.13.13*

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

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Amendment

Remove line 528 and insert:
state government when the action was brought. For

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 941 : Fees and Costs Incurred in Guardianship Proceedings

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomp	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

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

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 943 : Public Records Exemption

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

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

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

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 1125 : Employers and Employees

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez		X			
Ross Spano	X				
Cynthia Stafford		X			
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 11		Total Nays: 2			

HB 1125 Amendments

Amendment 626171

Adopted Without Objection

Amendment 734067

Failed to Adopt

Appearances:

McCarty, Jess (Lobbyist) - Opponent
Assistant County Attorney, Miami-Dade County
111 NW 1st Street Suite 2810
Miami Florida 33128
Phone: 305-979-7110

Jacobs, Kristin (General Public) - Waive In Opposition
Mayor, Broward County
115 S Andrews Ave
Ft. Lauderdale FL 33301
Phone: 954-357-7002

Clark, J. (Lobbyist) - Waive In Opposition
Florida Electrical Workers Association
7830 N Palafox St
Pensacola FL 32534
Phone: (850)556-8143

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 1125 : Employers and Employees (continued)

Appearances: (continued)

Mitchell, Jeffery (General Public) - Opponent
15731 SW 92nd Ave
Palmetto Bay FL 33157
Phone: 786-573-9699

Calhoun III, H. (Lobbyist) - Information Only
Florida Fruit & Vegetable Association
PO Box 948153
Maitland FL 32794-8153
Phone: (850)521-0455

Hewitt Robinson, Monique (General Public) - Waive In Opposition
381 NE 84 St
Miami FL 33138
Phone: 786-838-7068

Linton, Glynda (General Public) - Waive In Opposition
1 SW 58 Ave
Plantation FL 33317
Phone: (954) 648-5571

Washington, Clarence (General Public) - Waive In Opposition
6355 NW 36 St
Virginia Gardens FL 33166
Phone: 305-526-8077

Cruz, Pedro (General Public) - Waive In Opposition
249 Iroquois St
Miami Springs FL 33166
Phone: 786-715-7672

Hebrank, Kari (Lobbyist) - Waive In Support
Florida Home Builders Assn
11 E College Ave, #200
Tallahassee FL 32301
Phone: 850-514-5183

Williams, Michael (General Public) - Waive In Opposition
1979 NW 5th Place
Miami FL 33136
Phone: 786-586-7833

Perry, Gail Marie (General Public) - Opponent
Chair, Communications Workers of America Council of Florida
P O Box 1766
Pompano Beach FL 33061
Phone: 954-850-4055

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 1125 : Employers and Employees (continued)

Appearances: (continued)

Rosenberg, Arthur (Lobbyist) - Opponent

Florida Legal Services
3000 Biscayne Blvd
Miami FL 33137
Phone: 850-509-2085

Johnson, Carolyn (Lobbyist) - Waive In Support

Policy Director, Florida Chamber of Commerce
136 S Bronough Street
Tallahassee FL 32311
Phone: 850-521-1235

Hurley, Lisa (Lobbyist) - Opponent

Florida Association of Counties
100 S Monroe St
Tallahassee FL 32301
Phone: 850-922-4310

Bevis, Brewster (Lobbyist) - Waive In Support

vice President, External Relations, Associated Industries of Florida
516 N. Adams St.
Tallahassee FL 32301
Phone: 850-224-7173

Kunkel, Stephanie (Lobbyist) - Opponent

Organize Now
1143 Albritton Dr
Tallahassee FL 32301
Phone: 850-320-4208

Padgett, Samantha (Lobbyist) - Proponent

Florida Retail Federation
PO Box 10024
Tallahassee FL 32302-2024
Phone: (850)222-4082

Templin, Rich (Lobbyist) - Opponent

Florida AFL-CIO
135 S. Monroe
Tallahassee FL 32301
Phone: 850-224-6926

Hiley, Katherine (General Public) - Waive In Opposition

657 Sweetbriar Drive
Oldsmar FL 34667-4552
Phone: 813-748-5467

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 1125 : Employers and Employees (continued)

Appearances: (continued)

Husband, Warren (Lobbyist) - Waive In Support
Florida Restaurant and Lodging Association
PO Box 1779
Tallahassee FL 32302
Phone: (850)205-9000

McCluskey, Maria (General Public) - Waive In Opposition
12073 Lake Cypress Circle
Orlando FL 32828
Phone: 904-614-3687

Balasguide, Carmen (General Public) - Waive In Opposition
Phone: 407-580-9246

Mattingly, Dwight (General Public) - Opponent
8907 SE Pine Cone Lane
Hobe Sound FL 33455

Watson, Richard (State Employee) - Waive In Support
Legislative Counsel, Associated Builders
PO Box 10038
Tallahassee Florida 32302
Phone: 850-222-0000

Croskey, Jessie (General Public) - Waive In Opposition
2065 N Highland Ave Apt. I-259
Clearwater FL 33758
Phone: 727-565-9248

Marciano, Anthony (General Public) - Waive In Opposition
10221 Dorchester Dr.
Boca Raton FL 33428
Phone: (954) 632-6878

Bernstein, David (General Public) - Waive In Opposition
WFLC
2616 South Toronto Ave
Tampa FL 33629
Phone: 813-839-4233

Bauza, Rosa (General Public) - Waive In Opposition
1935 S Conway Rd, E7
Orlando FL 32812
Phone: 407-394-6940

Saint Louis, Christine (General Public) - Waive In Opposition
2319 Meadow Oak Cir
Kissimmee FL 34746
Phone: 407-756-0334

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 1125 : Employers and Employees (continued)

Appearances: (continued)

Sarnoff, Stephen (General Public) - Waive In Opposition
2886 Catherine Dr
Clearwater FL 33759
Phone: 727-798-5228

Nazario, Evelyn (General Public) - Waive In Opposition
1935 S Conway Rd, R-5
Orlando FL 32812
Phone: 321-946-9490

Loveitt, Bob (General Public) - Waive In Opposition
4611 Fox Hunt Dr
Tampa FL 33624
Phone: 813-908-0266

Williams, Ken (General Public) - Opponent
7411 Meadow Dr
Tampa FL 33634
Phone: 813-886-1753

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

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-13-13*

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

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 34.01, Florida

7 Statutes, is amended to read:

8 34.01 Jurisdiction of county court.—

9 (1) County courts shall have original jurisdiction:

10 (a) In all misdemeanor cases not cognizable by the circuit
11 courts.†

12 (b) Of all violations of municipal and county ordinances.†

13 (c) Of all actions at law in which the matter in
14 controversy does not exceed the sum of \$15,000, exclusive of
15 interest, costs, and attorney's fees, except those within the
16 exclusive jurisdiction of the circuit courts.† and

17 (d) Of disputes occurring in the homeowners' associations
18 as described in s. 720.311(2)(a), which shall be concurrent with
19 jurisdiction of the circuit courts.



Amendment No. 1

20 (e) Of actions for the collection of compensation under s.
21 448.115, notwithstanding the amount in controversy prescribed in
22 paragraph (c).

23 Section 2. Section 448.115, Florida Statutes, is created
24 to read:

25 448.115 Civil action for wage theft; notice; civil
26 penalty; preemption.-

27 (1)(a) As used in this section, the term "wage theft"
28 means an illegal or improper underpayment or nonpayment of an
29 individual employee's wage, salary, commission, or other similar
30 form of compensation within a reasonable time from the date on
31 which the employee performed the work to be compensated.

32 (b) A wage theft occurs when an employer fails to pay a
33 portion of wages, salary, commissions, or other similar form of
34 compensation due to an employee within a reasonable time from
35 the date on which the employee performed the work, according to
36 the already applicable rate and the pay schedule of the employer
37 established by policy or practice. In the absence of an
38 established pay schedule, a reasonable time from the date on
39 which the employee performed the work is 2 weeks.

40 (2)(a) If an employer commits wage theft as defined in
41 paragraph (1)(a), an aggrieved employee may initiate a civil
42 action as provided in this section.

43 (b) County courts shall have original and exclusive
44 jurisdiction in all actions involving wage theft, as provided in
45 s. 34.01(1)(e).

46 (c) The action shall:



Amendment No. 1

47 1. Be brought in the county court in the county where the
48 employee performed the work; and

49 2. Be governed by the Florida Small Claims Rules.

50 (3)(a) Before bringing an action, the claimant must notify
51 the employer who is alleged to have engaged in wage theft of an
52 intent to initiate a civil action in writing.

53 (b) The notice must identify the amount that the claimant
54 alleges is owed, the actual or estimated work dates and hours
55 for which compensation is sought, and the total amount of
56 compensation unpaid through the date of the notice.

57 (c) The employer has 15 days after the date of service of
58 the notice to pay the total amount of unpaid compensation or
59 otherwise resolve the action to the satisfaction of the
60 claimant.

61 (4) The action must be filed within 1 year after the last
62 date that the alleged unpaid work was performed by the employee.

63 (5) The claimant must prove wage theft by a preponderance
64 of the evidence. A prevailing claimant is entitled to damages
65 limited to the actual compensation due and owing. The court may
66 only award economic damages expressly authorized in this
67 subsection, and may not award noneconomic or punitive damages.

68 (6)(a) A county, municipality, or political subdivision
69 may establish an administrative, nonjudicial process under which
70 an assertion of unpaid compensation may be submitted by, or on
71 behalf of, an employee in order to assist in the collection of
72 compensation owed to the employee. Any such process, at a
73 minimum, shall afford the parties involved an opportunity to
74 negotiate a resolution regarding the compensation in question.



Amendment No. 1

75 The county, municipality, or political subdivision may, as part
76 of the process, assist the employee in completing an application
77 for a determination of civil indigent status under s. 57.082 and
78 may pay the filing fee under s. 34.041 on behalf of the
79 employee. The process may not adjudicate a compensation dispute
80 between an employee and an employer nor award damages to the
81 employee.

82 (b) A county, municipality, or political subdivision may
83 not adopt or maintain in effect any law, ordinance, or rule that
84 creates requirements or regulations for the purpose of
85 addressing unpaid compensation claims other than to establish
86 the administrative, nonjudicial process provided for in this
87 subsection.

88 (c) Notwithstanding paragraph (b), a local ordinance
89 governing wage theft enacted before January 1, 2011, is not
90 preempted by this section. However, any local ordinance
91 governing wage theft enacted before January 1, 2011, may not
92 apply to an employer whose annual gross volume of sales or
93 business transacted is more than \$500,000, exclusive of sales
94 tax collected or excise taxes paid.

95 (d) Any other regulation, ordinance, or provision for the
96 recovery of unpaid compensation by a county, municipality, or
97 political subdivision is expressly prohibited and is preempted
98 to the state.

99 Section 3. This act shall take effect upon becoming a law.
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Amendment No. 1

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

Remove everything before the enacting clause and insert:
An act relating to employers and employees; amending
s. 34.01, F.S.; providing jurisdiction of county
courts over wage theft civil actions; creating s.
448.115, F.S.; providing a definition for the term
"wage theft"; creating a civil cause of action for
wage theft; providing a procedure for filing of a
civil action for wage theft; providing jurisdiction;
requiring a claimant to notify the employer of the
employee's intention to initiate a civil action;
allotting the employer a specific time to resolve the
action; providing a statute of limitations; requiring
a claimant to prove wage theft by a preponderance of
the evidence; prohibiting certain damages; authorizing
a county, municipality, or political subdivision to
establish a process by which a claim may be filed;
prohibiting a local government from adopting or
maintaining in effect a law, ordinance, or rule for
the purpose of addressing unpaid wage claims;
prohibiting the preemption of certain local ordinances
governing wage theft; providing that any regulation,
ordinance, or other provision for recovery of unpaid
wages by counties, municipalities, or political
subdivisions is prohibited and preempted to the state;
providing an effective date.



Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

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

*unfavorable
3.13.13*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representatives Rodríguez, J. offered the following:

4 **Amendment to Amendment (1) by Representative Goodson**

5 Remove lines 88-94 of the amendment and insert:

6 (c) Notwithstanding paragraphs (a) and (b), a local
7 ordinance governing wage theft or recovery enacted, or which
8 became effective, on or before January 2, 2013 is not preempted
9 by this section.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 1297 : Pub. Rec./Florida False Claims Act

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

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, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

HB 7025 : Timeshares

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson			X		
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

Appearances:

Gamel, Jason (Lobbyist) - Waive In Support
American Resort Development Association
4901 Vineland Rd Ste 635
Orlando FL 32811
Phone: (407)245-7601

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

PCS for HB 693 : Dispute Resolution

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson			X		
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Anderson, Paul (General Public) - Information Only
Florida Justice Association
Tallahassee FL 32308
Phone: 850-894-3000

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

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

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

PCS for HB 775 : Jurisdiction of the Courts

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

Appearances:

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

Johnson, Carolyn (Lobbyist) - Waive In Support
Policy Director, Florida Chamber of Commerce
136 S Bronough Street
Tallahassee FL 32311
Phone: 850-521-1235

Committee meeting was reported out: Wednesday, March 13, 2013 6:34:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/13/2013 12:00:00PM

Location: 404 HOB

PCS for HB 833 : General Assignments

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Cooke, Jodi (General Public) - Waive In Support
Business Law Section of the Florida Bar
501 Commendencia St
Pensacola FL 32502
Phone: 850-432-2451