



Civil Justice Subcommittee

March 18, 2013

2:00 PM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Monday March 18, 2013 02:00 pm

HB 525	Favorable	Yeas: 12	Nays: 0
HB 727	Favorable	Yeas: 10	Nays: 2
HB 813	Temporarily Deferred		
HB 995	Favorable With Committee Substitute Amendment 817669	Adopted Without Objection	Yeas: 12 Nays: 0
HB 1079	Favorable With Committee Substitute Amendment 573043 Amendment 275417 Amendment 141269	Adopted Without Objection Adopted Without Objection Adopted Without Objection	Yeas: 12 Nays: 0
HB 1147	Favorable	Yeas: 12	Nays: 0
HB 1223	Favorable With Committee Substitute Amendment 051261	Adopted Without Objection	Yeas: 12 Nays: 0
HB 1227	Favorable	Yeas: 12	Nays: 0
HB 1241	Favorable With Committee Substitute Amendment 726743 Amendment 001647 Amendment 524715	Adopted Without Objection Adopted Without Objection Adopted Without Objection	Yeas: 12 Nays: 0
HB 1305	Favorable	Yeas: 10	Nays: 2
HB 1339	Favorable With Committee Substitute Amendment 960697 Amendment 389583 Amendment 464523 Amendment 323347 Amendment 792731	Adopted Without Objection Adopted Without Objection Adopted Without Objection Adopted Without Objection Adopted Without Objection	Yeas: 7 Nays: 5
HB 1379	Favorable With Committee Substitute Amendment 736517	Adopted Without Objection	Yeas: 9 Nays: 3
PCS for HB 19	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

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:	12	0	1

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 525 : Joint Use of Public School Facilities

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) - Opponent
Florida Justice Association
Tallahassee FL 32308
Phone: 850-894-3000

Mosteller, James (Lobbyist) - Waive In Support
American Heart Association
2851 Remington Green Cir
Tallahassee FL 32308
Phone: (850)692-3166

Curva, Felicidad (Lobbyist) - Waive In Support
Florida Alliance for Health, Phys Ed, Recreation, Dance & Sports
7632 Old Thyme Ct
Parkland FL 33076
Phone: (850)508-2256

Reid, Ryan (Lobbyist) - Waive In Support
American Cancer Society, Florida Division, Inc
3709 W Jetton Ave
Tampa FL 33629
Phone: (813)253-0541

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 727 : Liens on Personal Property in Self-Service Storage Facilities & Self-Contained Storage

Units

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: 10		Total Nays: 2			

Appearances:

Mele, Michael (General Public) - Proponent
Florida Self Storage Association
1314 Whitaker Rd
Lutz FL 33549
Phone: 813-926-1749

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

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

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

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 813 : Civil Remedies Against Insurers

Temporarily Deferred

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 995 : Conveyances of Real Property

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: 12		Total Nays: 0			

HB 995 Amendments

Amendment 817669

Adopted Without Objection

Appearances:

Aubuchon, Joshua (Lobbyist) - Waive In Support
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM



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
3-18-13*

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

3
4 **Amendment**

5 Remove lines 40-48 and insert:

6 Section 2. A person claiming an interest in real property
7 affected by the amendments to s. 95.231, Florida Statutes, in
8 this act has until October 1, 2014, to file a claim or defense
9 in court to determine the validity of an instrument that may be
10 affected by the amendments. If a claim or defense is filed
11 before October 1, 2014, the validity of the instrument shall be
12 determined without regard to these amendments.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1079 : Limited Liability Companies

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: 12		Total Nays: 0			

HB 1079 Amendments

Amendment 573043

Adopted Without Objection

Amendment 275417

Adopted Without Objection

Amendment 141269

Adopted Without Objection

Appearances:

Conti, Louis (General Public) - Waive In Support
Business Law Section of the Florida Bar
100 N Tampa St, Suite 4100
Tampa FL 33602
Phone: 813-227-8500

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM



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
3-18-13*

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

Amendment

5 Remove lines 90-99 and insert:

6 conversion required by s. 608.949. The term includes the
 7 articles of conversion as amended or restated.

8 (4) "Articles of domestication" means the articles of
 9 domestication required by s. 608.959. The term includes the
 10 articles of domestication as amended or restated.

11 (5) "Articles of interest exchange" means the articles of
 12 interest exchange required by s. 608.939. The term includes the
 13 articles of interest exchange as amended or restated.

14 (6) "Articles of merger" means the articles of merger
 15 required by under s. 608.929. The term includes the articles of



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
3-18-13*

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

Amendment

Remove line 1319 and insert:

608.78292 Certificate of status.--



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
3-18-13*

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

Amendment (with title amendment)

Between lines 5684 and 5685, insert:

Section 6. Section 48.062, Florida Statutes, is created to read:

48.062 Service on limited liability companies.--

(1) Process against any limited liability company, domestic or foreign, may be served on the registered agent designated by the limited liability company under Chapter 608. A person attempting to serve process pursuant to this paragraph may serve the process on any employee of the registered agent during the first attempt at service even if the registered agent is a natural person and is temporarily absent from his or her office.

(2) If service cannot be made on a registered agent of the limited liability company because of failure to comply with Chapter 608 or because the limited liability company does not have a registered agent, or if its registered agent cannot with



Amendment No. 3

20 reasonable diligence be served, process against the limited
21 liability company, domestic or foreign, may be served:

22 (a) On any member of a member-managed limited liability
23 company;

24 (b) On any manager of a manager-managed limited liability
25 company; or

26 (c) If a member or manager is not available during regular
27 business hours to accept service on behalf of the limited
28 liability company, he, she or it may designate an employee of
29 the limited liability company to accept such service. After one
30 attempt to serve a member, manager, or designated employee has
31 been made, process may be served on the person in charge of the
32 limited liability company during regular business hours.

33 (3) If, after reasonable diligence, service of process
34 cannot be completed under subsection (1) or (2), service of
35 process may be effected by service upon the Secretary of State
36 as agent of the limited liability company as provided for in s.
37 48.181.

38 (4) If the address provided for the registered agent,
39 member or manager is a residence or private mailbox, service on
40 the limited liability company, domestic or foreign, may be made
41 by serving the registered agent, member or manager in accordance
42 with s. 48.031.

43 (5) This section does not apply to service of process on an
44 insurance company regulated under ch. 624.

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Amendment No. 3

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

Between lines 34 and 35, insert:
creating s. 48.062, F.S.; providing for service of process on
limited liability companies;

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1147 : Office of the Attorney General

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			

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1223 : Deceptive and Unfair Trade Practices

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: 12		Total Nays: 0			

HB 1223 Amendments

Amendment 051261

Adopted Without Objection

Appearances:

Johnson, Rob (Lobbyist) (State Employee) - Waive In Support
Legislative Affairs Director, Office of the Attorney General
PL-01, The Capitol
Tallahassee FL 32399
Phone: 850-245-0145

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM



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
3.18.13*

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 501.2077, Florida Statutes, is
reordered and amended to read:

501.2077 Violations involving senior citizen, ~~or~~
handicapped person who has a disability, or military service
member; civil penalties; presumption.-

(1) As used in this section:

~~(e)(a)~~ "Senior citizen" means a person who is 60 years of
age or older.

~~(d)(b)~~ "Handicapped Person who has a disability" means a
any person who has a mental or educational impairment that ~~which~~
substantially limits one or more major life activities.

~~(b)(e)~~ "Mental or educational impairment" means:

1. A ~~Any~~ mental or psychological disorder or specific
learning disability.



Amendment No. 1

20 2. An ~~Any~~ educational deficiency that ~~which~~ substantially
21 affects a person's ability to read and comprehend the terms of
22 any contractual agreement entered into.

23 (a)-(d) "Major life activities" means functions associated
24 with the normal activities of independent daily living, such as
25 caring for one's self, performing manual tasks, walking, seeing,
26 hearing, speaking, breathing, learning, and working.

27 (c) "Military service member" means a person who is on
28 active duty in or a veteran of the United States Armed Forces.

29 1. "Active duty" has the same meaning as in s. 250.01.

30 2. "Veteran" has the same meaning as in s. 1.01.

31 (2) ~~A~~ Any person who is willfully using, or has willfully
32 used, a method, act, or practice in violation of this part,
33 ~~which method, act, or practice~~ victimizes or attempts to
34 victimize a senior citizen ~~citizens~~ or a person who has a
35 disability ~~handicapped persons, and commits such violation when~~
36 ~~she or he knew or should have known that her or his conduct was~~
37 ~~unfair or deceptive,~~ is liable for a civil penalty of not more
38 than \$15,000 for each such violation if she or he knew or should
39 have known that her or his conduct was unfair or deceptive.

40 (3) A person who willfully uses a method, act, or practice
41 in violation of this part directed at a military service member
42 or the spouse or child of a military service member is liable
43 for a civil penalty of not more than \$15,000 for each violation
44 if she or he should have known that her or his conduct was
45 unfair or deceptive.

46 (4)-(3) An ~~Any~~ order of restitution or reimbursement based
47 on a violation of this part committed against a senior citizen,



Amendment No. 1

48 a ~~or~~ handicapped person who has a disability, or a military
49 service member has priority over the imposition of civil
50 penalties for such violations pursuant to this section.

51 (5)(4) Civil penalties collected pursuant to this section
52 shall be deposited into the Legal Affairs Revolving Trust Fund
53 of the Department of Legal Affairs and allocated solely to the
54 Department of Legal Affairs for the purpose of preparing and
55 distributing consumer education materials, programs, and
56 seminars to benefit senior citizens, and handicapped persons who
57 have a disability, and military service members or to further
58 enforcement efforts.

59 Section 2. This act shall take effect July 1, 2013.
60

61 -----
62 **T I T L E A M E N D M E N T**

63 Remove everything before the enacting clause and insert:

64 A bill to be entitled

65 An act relating to deceptive and unfair trade
66 practices; amending s. 501.2077, F.S.; providing
67 definitions; including physical impairment within the
68 definition of "person who has a disability";
69 authorizing a civil penalty for a person who willfully
70 uses a deceptive or unfair trade act or practice
71 against a military service member or the member's
72 spouse or child in certain circumstances; providing an
73 effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1227 : Long-Term Care Insurance Policies

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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			

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1241 : Appointment of Attorney for Dependent Child with Disabilities

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: 12		Total Nays: 0			

HB 1241 Amendments

Amendment 726743

Adopted Without Objection

Amendment 001647

Adopted Without Objection

Amendment 524715

Adopted Without Objection

Appearances:

Spudeas, Christina (Lobbyist) - Waive In Support
Florida's Children First, Inc
1801 University Dr Ste 3B
Coral Springs FL 33071
Phone: (954)796-0860

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM



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
3-18-13*

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

4 **Amendment**

5 Remove lines 29-30 and insert:

6 (b) The Legislature also finds that dependent children
7 with disabilities as defined in this section have a particular
8 need for an attorney



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
3-18-13*

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

3
4
5
6

Amendment

Remove lines 59-61 and insert:
proceeding under this chapter.



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
3-18-13*

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

3

4 **Amendment**

5 Remove line 24 and insert:

6 supervision and resides in a skilled nursing facility or is
7 being considered for placement in a skilled nursing facility.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1305 : Punitive Damages

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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: 10		Total Nays: 2			

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1339 : Residential Properties

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: 7		Total Nays: 5			

HB 1339 Amendments

Amendment 960697

Adopted Without Objection

Amendment 389583

Adopted Without Objection

Amendment 464523

Adopted Without Objection

Amendment 323347

Adopted Without Objection

Amendment 792731

Adopted Without Objection

Appearances:

Vickers, Alice (Lobbyist) - Information Only
Florida Consumer Action Network
623 Beard Street
Tallahassee FL 32303
Phone: 850-556-3121

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1339 : Residential Properties (continued)

Appearances: (continued)

Diaz, Juan (General Public) - Opponent
General Counsel, Association Capital Resources
4209 Baymeadows Rd
Jacksonville FL 32217
Phone: 904-301-0101

Henderson, Cynthia (Lobbyist) - Opponent
ALG
108 E Jefferson St
Tallahassee FL 32303
Phone: 850-210-5385

DiMarco, Anthony (Lobbyist) - Proponent
Florida Bankers Association
1001 Thomasville Rd Ste 201
Tallahassee FL 32302-1360
Phone: (850)224-2265

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM



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
3-18-13*

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

4 **Amendment**

5 Remove lines 30-60 and insert:

6 abandoned unit to: inspect the unit and appurtenant common
7 elements; make repairs to the unit or to the common elements
8 servicing the unit, as needed; repair the unit if mold or
9 deterioration is present; turn on the power for the unit; or
10 otherwise maintain, preserve, or protect the unit and adjoining
11 common elements. For purposes of this paragraph, a unit is
12 presumed to be abandoned if:

13 a. The unit is the subject of a foreclosure action and no
14 tenant appears to have resided in the unit for at least 4
15 continuous weeks without written notice to the association; or

16 b. No tenant appears to have resided in the unit for 2
17 consecutive months without written notice to the association,
18 and the association is unable to contact the owner or determine
19 the whereabouts of the owner after reasonable inquiry.



Amendment No. 1

20 2. Except in the case of an emergency, an association may
21 not enter an abandoned unit until 48 hours after notice of the
22 association's intent to enter the unit has been sent to the
23 owner at the address of the owner as reflected in the records of
24 the association.

25 3. Any expense incurred by an association pursuant to this
26 paragraph is chargeable to the unit owner and enforceable as an
27 assessment pursuant to s. 718.116, and the association may use
28 its lien authority provided by s. 718.116 to enforce collection
29 of the expense.

30 4. The association may petition a court of competent
31 jurisdiction for the appointment of a receiver and may rent an
32 abandoned unit for the benefit of the association to offset the
33 association's costs and expenses of maintaining, preserving, and
34 protecting the unit and the appurtenant common elements,
35 including the costs of the receivership and all unpaid
36 assessments, interest, late fees, and attorney fees
37



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
3-18-13*

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

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Amendment

Remove lines 83-84 and insert:
assessments, interest, administrative late fees, and reasonable
costs and attorney fees



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
3-18-13*

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

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Amendment

Remove lines 148-149 and insert:
interest, administrative late fees, and reasonable costs and
attorney fees incurred



Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3.18.13*

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

4 **Amendment (with title amendment)**

5 Between lines 252 and 253, insert:

6 Section 4. Paragraph (c) of subsection (5) of section
7 720.303, Florida Statutes, is amended to read:

8 720.303 Association powers and duties; meetings of board;
9 official records; budgets; financial reporting; association
10 funds; recalls.—

11 (5) INSPECTION AND COPYING OF RECORDS.—The official
12 records shall be maintained within the state and must be open to
13 inspection and available for photocopying by members or their
14 authorized agents at reasonable times and places within 10
15 business days after receipt of a written request for access.
16 This subsection may be complied with by having a copy of the
17 official records available for inspection or copying in the
18 community. If the association has a photocopy machine available
19 where the records are maintained, it must provide parcel owners



Amendment No. 4

20 with copies on request during the inspection if the entire
21 request is limited to no more than 25 pages.

22 (c) The association may adopt reasonable written rules
23 governing the frequency, time, location, notice, records to be
24 inspected, and manner of inspections, but may not require a
25 parcel owner to demonstrate any proper purpose for the
26 inspection, state any reason for the inspection, or limit a
27 parcel owner's right to inspect records to less than one 8-hour
28 business day per month. The association may impose fees to cover
29 the costs of providing copies of the official records,
30 including, without limitation, the costs of copying. The
31 association may charge up to 50 cents per page for copies made
32 on the association's photocopier. If the association does not
33 have a photocopy machine available where the records are kept,
34 or if the records requested to be copied exceed 25 pages in
35 length, the association may have copies made by an outside
36 vendor or association management company personnel and may
37 charge the actual cost of copying, including any reasonable
38 costs involving personnel fees and charges at an hourly rate for
39 vendor or employee time to cover administrative costs to the
40 vendor or association. The association shall maintain an
41 adequate number of copies of the recorded governing documents,
42 to ensure their availability to members and prospective members.
43 Notwithstanding this paragraph, the following records are not
44 accessible to members or parcel owners:

45 1. Any record protected by the lawyer-client privilege as
46 described in s. 90.502 and any record protected by the work-
47 product privilege, including, but not limited to, a record



Amendment No. 4

48 prepared by an association attorney or prepared at the
49 attorney's express direction which reflects a mental impression,
50 conclusion, litigation strategy, or legal theory of the attorney
51 or the association and which was prepared exclusively for civil
52 or criminal litigation or for adversarial administrative
53 proceedings or which was prepared in anticipation of such
54 litigation or proceedings until the conclusion of the litigation
55 or proceedings.

56 2. Information obtained by an association in connection
57 with the approval of the lease, sale, or other transfer of a
58 parcel.

59 3. Personnel records of the association's employees,
60 including, but not limited to, disciplinary, payroll, health,
61 and insurance records. For purposes of this subparagraph, the
62 term "personnel records" does not include written employment
63 agreements with an association employee or budgetary or
64 financial records that indicate the compensation paid to an
65 association employee.

66 4. Medical records of parcel owners or community
67 residents.

68 5. Social security numbers, driver's license numbers,
69 credit card numbers, electronic mailing addresses, telephone
70 numbers, facsimile numbers, emergency contact information, any
71 addresses for a parcel owner other than as provided for
72 association notice requirements, and other personal identifying
73 information of any person, excluding the person's name, parcel
74 designation, mailing address, and property address. Associations
75 may print and distribute to parcel owners a directory containing



Amendment No. 4

76 the name, parcel address, and telephone number of parcel owners.

77 However, an owner may exclude his or her telephone number from

78 the directory by so requesting in writing to the association

79 ~~consent in writing to the disclosure of protected information~~

80 ~~described in this subparagraph.~~ The association is not liable

81 for the disclosure of information that is protected under this

82 subparagraph if the information is included in an official

83 record of the association and is voluntarily provided by an

84 owner and not requested by the association.

85 6. Any electronic security measure that is used by the
86 association to safeguard data, including passwords.

87 7. The software and operating system used by the
88 association which allows the manipulation of data, even if the
89 owner owns a copy of the same software used by the association.
90 The data is part of the official records of the association.

91 Note.—Former s. 617.303.

92
93
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96 -----
97 **T I T L E A M E N D M E N T**

98 Remove line 12 and insert:

99 association unit owners acquiring title; amending s. 720.303,
100 F.S.; providing homeowner's associations the authority to print
101 and distribute a directory; providing an
102



Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-18-13*

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

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Amendment

Remove lines 277-278 and insert:
interest, administrative late fees, and reasonable costs and
attorney fees incurred

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

HB 1379 : Service of Process

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: 9		Total Nays: 3			

HB 1379 Amendments

Amendment 736517

Adopted Without Objection

Appearances:

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

Compton, Michael (General Public) - Waive In Support
Legislative Chairman, Florida Association of Professional Process Servers
1280 Cedar Center Dr
Tallahassee FL 32301
Phone: 850-933-9333

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM



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	_____	

*favourable
3-18-13*

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

Amendment (with directory and title amendments)

Between lines 85 and 86, insert:

(3)

(b) If the address ~~provided~~ for the registered agent, officer, director, or principal place of business is a residence or private mailbox, service on the corporation may be made by serving the registered agent, officer, or director in accordance with s. 48.031.

D I R E C T O R Y A M E N D M E N T

Remove line 65 and insert:

of subsection (2), paragraph (b) of subsection (3), and subsection (5) of section 48.031, Florida

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



Amendment No. 1

21 Remove line 12 and insert:
22 proprietorship under certain circumstances; revising
23 provisions relating to address used for service on a
24 registered agent; requiring
25

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2013 2:00:00PM

Location: 404 HOB

PCS for HB 19 : Grandparent Visitation

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:

Caffery, Suzie (General Public) - Proponent
330 Orchard St
Chuluota FL 32766
Phone: 407-366-9320

Stewart, Yvonne (General Public) - Proponent
557 Guy Ct
Geneva FL 32732
Phone: 407-716-9716

Stewart, Laura (General Public) - Proponent
2361 Waccassa St
Geneva FL 32732
Phone: 407-271-1000

Erickson, Kirston (General Public) - Waive In Support
258 Pine Street
Atlantic Beach FL 32233
Phone: 386-566-8859

Erickson, Lauren (General Public) - Proponent
400 Briarpatch Lane
Geneva FL 32732
Phone: 407-920-0016

Committee meeting was reported out: Monday, March 18, 2013 5:25:45PM