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# **Insurance & Banking Subcommittee**

**Tuesday, February 4, 2014**

**4:00 PM**

**Sumner Hall (404 HOB)**

**ACTION PACKET**

**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED (2)**

**Summary:**

**Insurance & Banking Subcommittee**

*Tuesday February 04, 2014 04:00 pm*

CS/HB 151	Favorable	Yeas: 12	Nays: 0
HB 255	Favorable With Committee Substitute Amendment 209053 Adopted	Yeas: 12	Nays: 1
HB 401	Favorable	Yeas: 12	Nays: 0
HB 413	Favorable With Committee Substitute Amendment 765353 Adopted Amendment a1 failed by a vote of 4 Y to 9 N. See action packet.	Yeas: 13	Nays: 0
HB 415	Favorable With Committee Substitute Amendment 142789 Adopted	Yeas: 13	Nays: 0

Committee meeting was reported out: **Wednesday, February 05, 2014 9:45:45AM**

**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED (2)**

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bryan Nelson (Chair)	X		
Douglas Broxson	X		
Matthew Caldwell	X		
Tom Goodson	X		
Bill Hager	X		
Clay Ingram	X		
Shevrin Jones	X		
Larry Lee, Jr.	X		
George Moraitis, Jr.	X		
Kevin Rader	X		
David Santiago	X		
Dwayne Taylor	X		
John Tobia	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Wednesday, February 05, 2014 9:45:45AM

**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED (2)**

**CS/HB 151 : Security of Protected Consumer's Information**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Douglas Broxson	X				
Matthew Caldwell			X		
Tom Goodson	X				
Bill Hager	X				
Clay Ingram	X				
Shevrin Jones	X				
Larry Lee, Jr.	X				
George Moraitis, Jr.	X				
Kevin Rader	X				
David Santiago	X				
Dwayne Taylor	X				
John Tobia	X				
Bryan Nelson (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

**Appearances:**

Lyon, Aimee (Lobbyist) - Proponent  
 Consumer Data Industry Association  
 1090 Vermont Ave NW Ste 200  
 Washington DC 20005  
 Phone: (850)205-9000

Gonzalez, Andy, Legislative Affairs (Lobbyist) - Proponent  
 Florida Credit Union Association  
 3692 Coolidge Court  
 Tallahassee FL 32311  
 Phone: (850) 345-7795

Wasson, Kate, President, Junior League of Tallahassee (State Employee) - Proponent  
 Junior League of Tallahassee  
 404 E. 6th Ave.  
 Tallahassee FL 32303  
 Phone: (850)224-9161

Lange, Robert, CIO (State Employee) - Proponent  
 Statewide Guardian Ad Litem Program  
 600 S. Calhoun St., Holland Building  
 Tallahassee FL 32399  
 Phone: (850) 488-9990

Levine, Jack - Proponent  
 4 Generations Institute  
 P. O. Box 1227  
 Tallahassee FL 32302  
 Phone: (850) 567-5252

**Committee meeting was reported out: Wednesday, February 05, 2014 9:45:45AM**

**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**AMENDED (2)**

**Location:** Sumner Hall (404 HOB)

**CS/HB 151 : Security of Protected Consumer's Information (continued)**

**Appearances: (continued)**

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

Meyers, Dionne, Consumer Attorney (Lobbyist) - Proponent  
Florida Legal Services, Inc  
2425 Torreya Dr  
Tallahassee FL 32303  
Phone: (850)385-7900

Lovett, Grace, Director of Legislative Affairs (State Employee) - Proponent  
FI Department of Agriculture & Consumer Services  
PL-10 The Capitol  
Tallahassee Florida 32399  
Phone: (850) 617-7700

**Committee meeting was reported out: Wednesday, February 05, 2014 9:45:45AM**

**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED (2)**

**HB 255 : Insurance/Discriminatory Practices Relating to Firearm Ownership or Possession**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Douglas Broxson	X				
Matthew Caldwell	X				
Tom Goodson	X				
Bill Hager	X				
Clay Ingram	X				
Shevrin Jones	X				
Larry Lee, Jr.	X				
George Moraitis, Jr.	X				
Kevin Rader		X			
David Santiago	X				
Dwayne Taylor	X				
John Tobia	X				
Bryan Nelson (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 1</b>			

**HB 255 Amendments**

**Amendment 209053**

*Adopted*

**Appearances:**

Starnes, Sandra, Director, Property & Casualty Product Review Unit (State Employee) - Information Only  
 Office of Insurance Regulation  
 200 E. Gaines St.  
 Tallahassee FL 32399-0330  
 Phone: (850) 413-5344

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

Hammer, Marion (Lobbyist) - Proponent  
 NRA and Unified Sportsmen of Florida  
 P.O Box 1387  
 Tallahassee FL 32302  
 Phone: (850) 222-9518

Committee meeting was reported out: Wednesday, February 05, 2014 9:45:45AM

# COMMITTEE MEETING REPORT

## Insurance & Banking Subcommittee

2/4/2014 4:00:00PM

Location: Sumner Hall (404 HOB)

AMENDED (2)

### HB 401 : Underwriting, Cancellation Period, & Other Terms of Motor Vehicle Insurance Policies

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Douglas Broxson	X				
Matthew Caldwell			X		
Tom Goodson	X				
Bill Hager	X				
Clay Ingram	X				
Shevrin Jones	X				
Larry Lee, Jr.	X				
George Moraitis, Jr.	X				
Kevin Rader	X				
David Santiago	X				
Dwayne Taylor	X				
John Tobia	X				
Bryan Nelson (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 0</b>			

#### Appearances:

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

Bell, Doug (Lobbyist) - Proponent  
Progressive Insurance Company  
215 S. Monroe St.  
Tallahassee FL  
Phone: (850) 222-3533

Committee meeting was reported out: Wednesday, February 05, 2014 9:45:45AM

**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED (2)**

**HB 413 : Office of Financial Regulation**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Douglas Broxson	X				
Matthew Caldwell	X				
Tom Goodson	X				
Bill Hager	X				
Clay Ingram	X				
Shevrin Jones	X				
Larry Lee, Jr.	X				
George Moraitis, Jr.	X				
Kevin Rader	X				
David Santiago	X				
Dwayne Taylor	X				
John Tobia	X				
Bryan Nelson (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**HB 413 Amendments**

**Amendment 765353**

*Adopted*

**Appearances:**

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

Vickers, Alice, Attorney (Lobbyist) - Proponent  
 Florida Consumer Action Network  
 623 Beard St.  
 Tallahassee FL 32303  
 Phone: (850) 556-3121

Howard, Billy, Consumer Attorney - Proponent  
 201 N. Franklin St., 8th Floor  
 Tampa FL 33602  
 Phone: (813) 774-1416

Meyers, Dionne L., Consumer Attorney (Lobbyist) - Proponent  
 Florida Legal Services, Inc  
 2425 Torreya Dr  
 Tallahassee FL 32303  
 Phone: (850)385-7900 ext. 1828

**Committee meeting was reported out: Wednesday, February 05, 2014 9:45:45AM**



**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**AMENDED (2)**

**Location:** Sumner Hall (404 HOB)

**HB 413 : Office of Financial Regulation (continued)**

**Appearances: (continued)**

Brown, Jack (General Public) - Proponent  
FL Collectors Assoc.  
6711 Ave. C  
Sarasota FL 34231  
Phone: (941) 780-1498

Morris, Jo, Legislative Affairs Director (State Employee) - Proponent  
Office of Financial Regulation  
200 E. Gaines St.  
Tallahassee FL 32399  
Phone: (850) 245-4006

Wester, Gerald (Lobbyist) - Proponent  
Associated Industries of Florida  
101 E. College  
Tallahassee FL 32301  
Phone: (850) 445-7256

Committee meeting was reported out: Wednesday, February 05, 2014 9:45:45AM

**House of Representatives  
COMMITTEE/SUBCOMMITTEE BILL ACTION WORKSHEET**

Committee/Subcommittee: Insurance & Banking

Bill Number: HR 413

Meeting Date: 2/4/14

Date Received: \_\_\_\_\_

Place: Gov. HOB

Date Reported: \_\_\_\_\_

Time: 4:00 pm

Subject: \_\_\_\_\_

**Council/Committee Action:**

- Favorable
- Favorable w/ \_\_\_\_\_ amendments
- Favorable w/Committee/Subcommittee Substitute
- Other Action: \_\_\_\_\_

- Retained for Reconsideration
- Reconsidered
- Temporarily Postponed
- Unavailable

Final Vote On Bill		MEMBERS	A# 1							
Yea	Nay		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
		Representatives:								
✓		Broxson	✓			✓			✓	
✓		Caldwell	✓			✓			✓	
✓		Goodson	✓			✓				
✓		Hager (Hay-grrr)	✓		✓					
✓		Ingram	✓			✓				
✓		Jones	✓			✓				
✓		Lee	✓			✓				
✓		Moraitis (More-eye-tus)	✓		✓					
✓		Rader	✓			✓				
✓		Santiago	✓			✓				
✓		Taylor	✓			✓				
✓		Tobia	✓		✓					
✓		Chair Nelson	✓		✓					
		Ex officio's:								
		Coffey, Speaker pro tempore								
		Crisafulli, Majority Leader								
		Holder, Chair of RAC								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
13			13							

**INSURANCE & BANKING SUBCOMMITTEE**

**HB 413 by Rep. Santiago  
Office of Financial Regulation**

**AMENDMENT SUMMARY  
February 4, 2014**

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**Amendment a1 to Strike-All Amendment by Rep. Tobia (line 470):** Clarifies that a party in a civil action may seek reasonable attorney's fees in accordance with s. 57.105.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 413 (2014)

Amendment No. a1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	✓	(Y/N) 4/9
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Insurance & Banking  
2 Subcommittee

3 Representative Tobia offered the following:

4  
5 **Amendment to Amendment (765353) by Representative Santiago**  
6 **(with title amendment)**

7 Between lines 470 and 471 of the amendment, insert:

8 Section 9. Subsection (2) of section 559.77, Florida  
9 Statutes, is amended to read:

10 559.77 Civil remedies.—

11 (2) Any person who fails to comply with any provision of  
12 s. 559.72 is liable for actual damages and for additional  
13 statutory damages as the court may allow, but not exceeding  
14 \$1,000, together with court costs and reasonable attorney's fees  
15 in accordance with s. 57.105 incurred by the plaintiff. In  
16 determining the defendant's liability for any additional  
17 statutory damages, the court shall consider the nature of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 413 (2014)

Amendment No. a1

18 defendant's noncompliance with s. 559.72, the frequency and  
19 persistence of the noncompliance, and the extent to which the  
20 noncompliance was intentional. In a class action lawsuit brought  
21 under this section, the court may award additional statutory  
22 damages of up to \$1,000 for each named plaintiff and an  
23 aggregate award of additional statutory damages up to the lesser  
24 of \$500,000 or 1 percent of the defendant's net worth for all  
25 remaining class members; however, the aggregate award may not  
26 provide an individual class member with additional statutory  
27 damages in excess of \$1,000. The court may award punitive  
28 damages and may provide such equitable relief as it deems  
29 necessary or proper, including enjoining the defendant from  
30 further violations of this part. If the court finds that the  
31 suit fails to raise a justiciable issue of law or fact, the  
32 plaintiff is liable for court costs and reasonable attorney's  
33 fees in accordance with s. 57.105 incurred by the defendant.

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

39 Remove lines 505-506 of the amendment and insert:  
40 and to withdraw a registration application; amending s. 559.77,  
41 F.S.; revising provision for attorney's fees for civil actions;  
42 providing an effective date.

**COMMITTEE MEETING REPORT**  
**Insurance & Banking Subcommittee**

**2/4/2014 4:00:00PM**

**Location:** Sumner Hall (404 HOB)

**AMENDED (2)**

**HB 415 : Pub. Rec./Investigations and Examinations by the Office of Financial Regulation**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Douglas Broxson	X				
Matthew Caldwell	X				
Tom Goodson	X				
Bill Hager	X				
Clay Ingram	X				
Shevrin Jones	X				
Larry Lee, Jr.	X				
George Moraitis, Jr.	X				
Kevin Rader	X				
David Santiago	X				
Dwayne Taylor	X				
John Tobia	X				
Bryan Nelson (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

**HB 415 Amendments**

**Amendment 142789**

*Adopted*

**Appearances:**

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

Morris, Jo, Legislative Affairs Director (State Employee) - Proponent  
 Office of Financial Regulation  
 200 E. Gaines St.  
 Tallahassee FL 32399

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