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# **Civil Justice Subcommittee**

**Tuesday, March 17, 2015  
8:00 AM - 11:00 AM  
Sumner Hall (404 HOB)**

**ACTION PACKET**

**Steve Crisafulli  
Speaker**

**Kathleen Passidomo  
Chair**

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kathleen Passidomo (Chair)	X		
Lori Berman	X		
Colleen Burton	X		
Dwight Dudley	X		
Walter Hill	X		
Kionne McGhee	X		
Larry Metz	X		
George Moraitis, Jr.	X		
Cary Pigman	X		
Cynthia Stafford	X		
Charlie Stone	X		
Jennifer Sullivan	X		
John Wood	X		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**HB 137 : Civil Liability of Farmers**

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	<b>Total Yeas: 13</b>	<b>Total Nays: 0</b>			

### Appearances:

HB 137

Calhoun, Butch (Lobbyist) - Proponent  
Florida Fruit & Vegetable Association  
119 S Monroe St Ste 300  
Tallahassee FL 32301  
Phone: 8505210455

HB 137

McKinley, Melissa - Proponent  
Palm Beach County  
Commissioner  
301 N. Olive Ave  
WPB Florida 33401  
Phone: 561-355-2206

HB 137

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

HB 137

Mann, Douglas (Lobbyist) - Waive In Support  
Associated Industries of Florida  
310 W College Ave  
Tallahassee FL 32301  
Phone: 850-222-7535

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**HB 137 : Civil Liability of Farmers (continued)**

**Appearances: (continued)**

HB 137

Basford, Adam (Lobbyist) - Waive In Support

Florida Farm Bureau Federation

315 S Calhoun St Ste 850

Tallahassee FL 32301

Phone: 8502222557

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

### HB 313 : Digital Assets

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	<b>Total Yeas: 13</b>	<b>Total Nays: 0</b>			

### HB 313 Amendments

#### Amendment 645941

Adopted Without Objection

### Appearances:

#### HB 313

Iarossi, Nicholas (Lobbyist) - Waive In Support

ATT

FL 32302

Phone: (850)222-9075

#### HB 313

Edenfield, Martha (Lobbyist) - Waive In Support

Real Property, Probate and Trust Law-Florida Bar

215 S Monroe St, #815

Tallahassee FL 32301

Phone: 850-999-4100

#### HB 313

Pratt, Kenneth (Lobbyist) - Waive In Support

Florida Bankers Association

Vice President of Governmental Affairs,

1001 Thomasville Rd, Ste 201

Tallahassee FL 32303

Phone: 850-224-2265

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**HB 313 : Digital Assets (continued)**

**Appearances: (continued)**

HB 313

Sachs, Dan - Opponent

Facebook

Assoc Manager, State Policy

1299 Pennsylvania Ave NW Suite 800

Washington DC 20004

Phone: 2027162172

HB 313

Barnes, Ron (Lobbyist) - Opponent

Google

State Legislative Affairs

25 Massachusetts Avenue, NW 9th floor

Washington DC 20001

Phone: 202-346-1100

HB 313

Ashworth, William (Lobbyist) - Opponent

Yahoo

Sr. Legal Director

101 Constitution Avenue, NW

Washington DC 20001

Phone: 202-225-4987

HB 313

DelBianco, Steven - Opponent

NetChoice

Executive Director

1401 K St NW Suite 502

Washington DC 20005

Phone: 202-420-7482

HB 313

Eskin, Vicki Levy - Proponent

Levy & Assoc

1732 N Ronald Reagan Blvd

Longwood Florida 32750

Phone: 407-321-4844

HB 313

Orzeske, Benjamin - Proponent

Uniform Law Commission

Legislative Counsel

111 N Wabash Ave., Ste 1010

Chicago IL 60602

Phone: 312-450-6621

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**HB 313 : Digital Assets (continued)**

**Appearances: (continued)**

HB 313

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N) 3/17/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

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

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. The Division of Law Revision and Information is  
 7 directed to create chapter 740, Florida Statutes, consisting of  
 8 sections 740.001-740.911, Florida Statutes, to be entitled  
 9 "Fiduciary Access to Digital Assets."

10 Section 2. Section 740.001, Florida Statutes, is created  
 11 to read:

12 740.001 Short title.—This chapter may be cited as the  
 13 "Florida Fiduciary Access to Digital Assets Act."

14 Section 3. Section 740.101, Florida Statutes, is created  
 15 to read:

16 740.101 Definitions.—As used in this chapter, the term:

17 (1) "Account holder" means a person that has entered into





Amendment No. 1

18 a terms-of-service agreement with a custodian and also includes  
19 a fiduciary for such person. The term includes a deceased  
20 individual who entered into the agreement during the  
21 individual's lifetime.

22 (2) "Agent" means a person that is granted authority to  
23 act for a principal under a durable or nondurable power of  
24 attorney, whether denominated an agent, an attorney in fact, or  
25 otherwise. The term includes an original agent, a co-agent, and  
26 a successor agent.

27 (3) "Carry" means to engage in the transmission of  
28 electronic communications.

29 (4) "Catalogue of electronic communications" means  
30 information that identifies each person with which an account  
31 holder has had an electronic communication, the time and date of  
32 the communication, and the electronic address of the person.

33 (5) "Content of an electronic communication" means  
34 information concerning the substance or meaning of an electronic  
35 communication which:

36 (a) Has been sent or received by an account holder;

37 (b) Is in electronic storage by a custodian providing an  
38 electronic-communication service to the public or is carried or  
39 maintained by a custodian providing a remote-computing service  
40 to the public; and

41 (c) Is not readily accessible to the public.

42 (6) "Court" means a circuit court of this state.

43 (7) "Custodian" means a person that carries, maintains,

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44 processes, receives, or stores a digital asset of an account  
45 holder.

46 (8) "Digital asset" means a record that is electronic. The  
47 term does not include an underlying asset or liability unless  
48 the asset or liability is itself a record that is electronic.

49 (9) "Electronic" means technology having electrical,  
50 digital, magnetic, wireless, optical, electromagnetic, or  
51 similar capabilities.

52 (10) "Electronic communication" has the same meaning as  
53 the definition in 18 U.S.C. s. 2510(12).

54 (11) "Electronic communication service" means a custodian  
55 that provides to an account holder the ability to send or  
56 receive an electronic communication.

57 (12) "Fiduciary" means a person that is an original,  
58 additional, or successor personal representative, guardian,  
59 agent, or trustee.

60 (13) "Guardian" means a person that has been appointed by  
61 the court as guardian of the property of a minor or  
62 incapacitated individual. The term includes a person that has  
63 been appointed by the court as an emergency temporary guardian  
64 of the property.

65 (14) "Information" means data, text, images, videos,  
66 sounds, codes, computer programs, software, databases, or the  
67 like.

68 (15) "Person" means an individual, estate, trust, business  
69 or nonprofit entity, public corporation, government or



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70 governmental subdivision, agency, or instrumentality, or other  
71 legal entity.

72 (16) "Personal representative" means the fiduciary  
73 appointed by the court to administer the estate of a deceased  
74 individual pursuant to letters of administration or an order  
75 appointing a curator or administrator ad litem for the estate.

76 (17) "Power of attorney" means a record that grants an  
77 agent authority to act in the place of a principal pursuant to  
78 chapter 709.

79 (18) "Principal" means an individual who grants authority  
80 to an agent in a power of attorney.

81 (19) "Record" means information that is inscribed on a  
82 tangible medium or that is stored in an electronic or other  
83 medium and is retrievable in perceivable form.

84 (20) "Remote computing service" means a custodian that  
85 provides to an account holder computer processing services or  
86 the storage of digital assets by means of an electronic  
87 communications system as defined in 18 U.S.C. s. 2510(14).

88 (21) "Terms-of-service agreement" means an agreement that  
89 controls the relationship between an account holder and a  
90 custodian.

91 (22) "Trustee" means a fiduciary that holds legal title to  
92 a digital asset pursuant to an agreement, declaration, or trust  
93 instrument that creates a beneficial interest in another.

94 (23) "Ward" means an individual for whom a guardian has  
95 been appointed. The term includes an individual for whom an



Amendment No. 1

96 application for the appointment of a guardian is pending.

97 (24) "Will" means an instrument admitted to probate,  
98 including a codicil, executed by an individual in the manner  
99 prescribed by the Florida Probate Code, which disposes of the  
100 individual's property on or after his or her death. The term  
101 includes an instrument that merely appoints a personal  
102 representative or revokes or revises another will.

103 Section 4. Section 740.201, Florida Statutes, is created  
104 to read:

105 740.201 Authority of personal representative over digital  
106 assets of a decedent.—Subject to s. 740.601(2) and unless  
107 otherwise provided by the court or the will of a decedent, the  
108 personal representative of the decedent has the right to access:

109 (1) The content of an electronic communication that the  
110 custodian is permitted to disclose under 47 U.S.C. s. 222 or  
111 under the Electronic Communications Privacy Act, 18 U.S.C. s.  
112 2702(b);

113 (2) The catalogue of electronic communications sent or  
114 received by the decedent; and

115 (3) Any other digital asset in which the decedent had a  
116 right or interest at his or her death.

117 Section 5. Section 740.301, Florida Statutes, is created  
118 to read:

119 740.301 Authority of guardian over digital assets of a  
120 ward.— Subject to s. 740.601(2), the court, after an opportunity  
121 for hearing, may grant a guardian the right to access:

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122       (1) The content of an electronic communication that the  
123 custodian is permitted to disclose under 47 U.S.C. s. 222 or  
124 under the Electronic Communications Privacy Act, 18 U.S.C. s.  
125 2702(b);

126       (2) The catalogue of electronic communications sent or  
127 received by the ward; and

128       (3) Any other digital asset in which the ward has a right  
129 or interest.

130       Section 6. Section 740.401, Florida Statutes, is created  
131 to read:

132       740.401 Control by agent of digital assets.—

133       (1) To the extent a power of attorney expressly grants  
134 authority to an agent over the content of an electronic  
135 communication of the principal and subject to s. 740.601(2), the  
136 agent has the right to access the content of an electronic  
137 communication that the custodian is permitted to disclose under  
138 47 U.S.C. s. 222 or under the Electronic Communications Privacy  
139 Act, 18 U.S.C. s. 2702(b).

140       (2) Subject to s. 740.601(2) and unless otherwise provided  
141 by a power of attorney or a court order, an agent has the right  
142 to access:

143       (a) The catalogue of electronic communications sent or  
144 received by the principal; and

145       (b) Any other digital asset in which the principal has a  
146 right or interest.



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147 Section 7. Section 740.501, Florida Statutes, is created  
148 to read:

149 740.501 Control by trustee of digital assets.—Subject to  
150 s. 740.601(2) and unless otherwise provided by the court or the  
151 terms of a trust, a trustee or a successor of a trustee that is:

152 (1) An original account holder has the right to access  
153 each digital asset held in trust, including the catalogue of  
154 electronic communications sent or received and the content of an  
155 electronic communication; or

156 (2) Not an original account holder has the right to access  
157 the following digital assets held in trust:

158 (a) The catalogue of electronic communications sent or  
159 received by the account holder;

160 (b) The content of an electronic communication that the  
161 custodian is permitted to disclose under 47 U.S.C. s. 222 or  
162 under the Electronic Communications Privacy Act, 18 U.S.C. s.  
163 2702(b); and

164 (c) Any other digital asset in which the account holder or  
165 any successor account holder has a right or interest.

166 Section 8. Section 740.601, Florida Statutes, is created  
167 to read:

168 740.601 Fiduciary access and authority.—

169 (1) A fiduciary that is an account holder or has the right  
170 under this chapter to access a digital asset of an account  
171 holder:

172 (a) May take any action concerning the digital asset to



Amendment No. 1

173 the extent of the account holder's authority and the fiduciary's  
174 powers under the laws of this state, subject to the terms-of-  
175 service agreement and copyright or other applicable law;

176 (b) Is deemed to have the lawful consent of the account  
177 holder for the custodian to divulge the content of an electronic  
178 communication to the fiduciary under applicable electronic  
179 privacy laws; and

180 (c) Is an authorized user under applicable computer fraud  
181 and unauthorized access laws.

182 (2) If a provision in a terms-of-service agreement limits  
183 a fiduciary's access to a digital asset of the account holder,  
184 the provision is void as against the strong public policy of  
185 this state unless the account holder agreed to the provision by  
186 an affirmative act separate from the account holder's assent to  
187 other provisions of the terms-of-service agreement. A direction  
188 provided by the account holder to a custodian by an affirmative  
189 act separate from the account holder's assent to other  
190 provisions of the terms of service agreement supersedes any  
191 contrary direction in the account holder's will, trust, or power  
192 of attorney.

193 (3) A choice-of-law provision in a terms-of-service  
194 agreement is unenforceable against a fiduciary acting under this  
195 chapter to the extent the provision designates a law that  
196 enforces a limitation on a fiduciary's access to a digital asset  
197 which is void under subsection (2).

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198 (4) As to tangible personal property capable of receiving,  
199 storing, processing, or sending a digital asset, a fiduciary  
200 with authority over the property of a decedent, ward, principal,  
201 or settlor has the right to access the property and any digital  
202 asset stored in it and is an authorized user for purposes of any  
203 applicable computer fraud and unauthorized access laws,  
204 including the laws of this state.

205 Section 9. Section 740.701, Florida Statutes, is created  
206 to read:

207 740.701 Compliance.—

208 (1) If a fiduciary that has a right under this chapter to  
209 access a digital asset of an account holder complies with  
210 subsection (2), the custodian shall comply with the fiduciary's  
211 request for a record for:

212 (a) Access to the digital asset;

213 (b) Control of the digital asset; and

214 (c) A copy of the digital asset to the extent authorized  
215 by copyright law.

216 (2) If a request under subsection (1) is made by:

217 (a) A personal representative who has the right of access  
218 under s. 740.201, the request must be accompanied by a certified  
219 copy of the letters of administration of the personal  
220 representative, an order authorizing a curator or administrator  
221 ad litem, or other court order;

222 (b) A guardian that has the right of access under s.  
223 740.301, the request must be accompanied by a certified copy of





## Amendment No. 1

224 letters of plenary guardianship of the property or a court order  
225 that gives the guardian authority over the digital asset;

226 (c) An agent that has the right of access under s.  
227 740.401, the request must be accompanied by an original or a  
228 copy of the power of attorney which authorizes the agent to  
229 exercise authority over the digital asset and a certification of  
230 the agent, under penalty of perjury, that the power of attorney  
231 is in effect;

232 (d) A trustee that has the right of access under s.  
233 740.501, the request must be accompanied by a certified copy of  
234 the trust instrument, or a certification of trust under s.  
235 736.1017, which authorizes the trustee to exercise authority  
236 over the digital asset; or

237 (e) A person that is entitled to receive and collect  
238 specified digital assets, the request must be accompanied by a  
239 certified copy of an order of summary administration issued  
240 pursuant to chapter 735.

241 (3) A custodian shall comply with a request made under  
242 subsection (1) not later than 60 days after receipt. If the  
243 custodian fails to comply, the fiduciary may apply to the court  
244 for an order directing compliance.

245 (4) A custodian that receives a certification of trust may  
246 require the trustee to provide copies of excerpts from the  
247 original trust instrument and later amendments which designate  
248 the trustee and confer on the trustee the power to act in the  
249 pending transaction.

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250       (5) A custodian that acts in reliance on a certification  
251 of trust without knowledge that the representations contained in  
252 it are incorrect is not liable to any person for so acting and  
253 may assume without inquiry the existence of facts stated in the  
254 certification.

255       (6) A custodian that enters into a transaction in good  
256 faith and in reliance on a certification of trust may enforce  
257 the transaction against the trust property as if the  
258 representations contained in the certification were correct.

259       (7) A custodian that demands the trust instrument in  
260 addition to a certification of trust or excerpts under  
261 subsection (4) is liable for damages if the court determines  
262 that the custodian did not act in good faith in demanding the  
263 trust instrument.

264       (8) This section does not limit the right of a person to  
265 obtain a copy of a trust instrument in a judicial proceeding  
266 concerning the trust.

267       Section 10. Section 740.801, Florida Statutes, is created  
268 to read:

269       740.801 Immunity.—A custodian and its officers, employees,  
270 and agents are immune from liability for any action done in good  
271 faith in compliance with this chapter.

272       Section 11. Section 740.901, Florida Statutes, is created  
273 to read:

274       740.901 Relation to Electronic Signatures in Global and  
275 National Commerce Act.—This chapter modifies, limits, or

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276 supersedes the Electronic Signatures in Global and National  
277 Commerce Act, 15 U.S.C. ss. 7001 et seq., but does not modify,  
278 limit, or supersede s. 101(c) of that act, 15 U.S.C. s. 7001(c),  
279 or authorize electronic delivery of the notices described in s.  
280 103(b) of that act, 15 U.S.C. s. 7003(b).

281 Section 12. Section 740.911, Florida Statutes, is created  
282 to read:

283 740.911 Exception for anonymous accounts.-

284 (1) Nothing in this chapter prevents any person from  
285 opening an anonymous account.

286 (2) The custodian of an anonymous account is not required  
287 to provide a fiduciary with access to the anonymous account  
288 unless the fiduciary establishes by clear and convincing  
289 evidence:

290 (a) That the owner of the anonymous account is deceased;

291 (b) That the anonymous account belonged to a particular,  
292 identifiable, decedent; and

293 (c) That the fiduciary has legal authority over the estate  
294 of the decedent who owned the anonymous account.

295 Section 13. Section 740.921, Florida Statutes, is created  
296 to read:

297 740.921 Applicability.-

298 (1) Subject to subsection (2), this chapter applies to:

299 (a) An agent acting under a power of attorney executed  
300 before, on, or after July 1, 2015;

301 (b) A personal representative acting for a decedent who



Amendment No. 1

302 died before, on, or after July 1, 2015;

303 (c) A guardian appointed through a guardianship  
 304 proceeding, whether pending in a court or commenced before, on,  
 305 or after July 1, 2015; and

306 (d) A trustee acting under a trust created before, on, or  
 307 after July 1, 2015.

308 (2) This chapter does not apply to a digital asset of an  
 309 employer used by an employee in the ordinary course of the  
 310 employer's business.

311 Section 14. This act shall take effect July 1, 2015.

312

313

314

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

315

Remove everything before the enacting clause and insert:

316

An act relating to digital assets; providing a directive to  
 the Division of Law Revision and Information; creating s.

317

740.001, F.S.; providing a short title; creating s.

318

740.101, F.S.; defining terms; creating s. 740.201, F.S.;

319

authorizing a personal representative to have access to

320

specified digital assets of a decedent under certain

321

circumstances; creating s. 740.301, F.S.; authorizing a

322

guardian to have access to specified digital assets of a

323

ward under certain circumstances; creating s. 740.401,

324

F.S.; authorizing an agent to have access to specified

325

digital assets of a principal under certain circumstances;

326

creating s. 740.501, F.S.; authorizing a trustee to have

327

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328 | access to specified digital assets held in trust under  
329 | certain circumstances; creating s. 740.601, F.S.; providing  
330 | the rights of a fiduciary relating to digital assets;  
331 | providing that specified provisions in a terms-of-service  
332 | agreement are unenforceable or void as against the strong  
333 | public policy of this state under certain circumstances;  
334 | creating s. 740.701, F.S.; providing requirements for  
335 | compliance for a custodian, a personal representative, a  
336 | guardian, an agent, a trustee, or another person that is  
337 | entitled to receive and collect specified digital assets;  
338 | providing for damages if a demand for the trust instrument  
339 | is not made in good faith by a custodian; providing  
340 | applicability; creating s. 740.801, F.S.; providing  
341 | immunity for a custodian and its officers, employees, and  
342 | agents for any action done in good faith and in compliance  
343 | with ch. 740, F.S.; creating s. 740.901, F.S.; clarifying  
344 | the relationship of ch. 740, F.S., to the Electronic  
345 | Signatures in Global and National Commerce Act; creating s.  
346 | 740.911, F.S.; providing applicability to an anonymous  
347 | account; creating s. 740.921, F.S.; providing  
348 | applicability; providing an effective date.

349

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**HB 889 : Health Care Representatives**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### HB 889 Amendments

#### Amendment 152549

*Adopted Without Objection*

#### Amendment 865517

*Adopted Without Objection*

#### Amendment 492369

*Adopted Without Objection*

### Appearances:

HB 889

Edenfield, Martha (Lobbyist) - Waive In Support  
Real Property, Probate & Trust Law Section of Florida Bar  
215 S Monroe St, #815  
Tallahassee FL 32301  
Phone: 850-999-4100

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N) 3/17/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

4 **Amendment**

5 Remove line 111 and insert:  
 6 facility or to the primary attending or treating physician  
 7 stating that

8 Remove line 290 and insert:  
 9 primary attending physician, or any other interested person who  
 10 may

11 Remove line 320 and insert:  
 12 primary attending or treating physician, or such physician's  
 13 designee,

14 Remove line 638 and insert:  
 15 in question, the primary attending physician shall evaluate the

16 Remove line 661 and insert:



Amendment No. 1

17 surrogate. In the event the primary attending physician  
18 determines that

19 Remove lines 742-747 and insert:

20 for notification to her or his primary attending or treating  
21 physician that the living will has been made. In the event the  
22 principal is physically or mentally incapacitated at the time  
23 the principal is admitted to a health care facility, any other  
24 person may notify the physician or health care facility of the  
25 existence of the living will. A primary ~~An attending or treating~~

26 Remove line 765 and insert:

27 and if my primary attending or treating physician and another  
28 consulting

29 Remove lines 808-825 and insert:

30 II, the person's primary attending physician may proceed as  
31 directed by the principal in the living will. In the event of a  
32 dispute or disagreement concerning the primary attending  
33 physician's decision to withhold or withdraw life-prolonging  
34 procedures, the primary attending physician shall not withhold  
35 or withdraw life-prolonging procedures pending review under s.  
36 765.105. If a review of a disputed decision is not sought within  
37 7 days following the primary attending physician's decision to  
38 withhold or withdraw life-prolonging procedures, the primary  
39 ~~attending~~ physician may proceed in accordance with the  
40 principal's instructions.

41 Section 17. Section 765.306, Florida Statutes, is amended  
42 to read:





Amendment No. 1

43           765.306 Determination of patient condition.—In determining  
44 whether the patient has a terminal condition, has an end-stage  
45 condition, or is in a persistent vegetative state or may recover  
46 capacity, or whether a medical condition or limitation referred  
47 to in an advance directive exists, the patient's primary  
48 ~~attending or treating~~ physician and at least one other  
49 consulting physician

50           Remove line 834 and insert:

51 primary attending physician in accordance with currently  
52 accepted

53           Remove line 845 and insert:

54           (2) The guardian and the person's primary attending  
55 physician, in

56           Remove line 856 and insert:

57 person's primary attending physician, to determine whether the  
58 condition

59           Remove line 868 and insert:

60 addressed to the primary ~~an attending~~ physician, who must



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>  Y  </u>	(Y/N) 3/17/15
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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

**Amendment**

Remove line 549 and insert:

authorized to make health care decisions for a minor under



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N) 3/17/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

Remove lines 718-731 and insert:

(3) If, after the appointment of a surrogate, a court

-----

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

Remove lines 45-49 and insert:

765.205, F.S.; conforming provisions to changes made by the act;

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 931 : Interstate Compacts

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman		X			
Colleen Burton	X				
Dwight Dudley		X			
Walter Hill	X				
Kionne McGhee		X			
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford		X			
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	<b>Total Yeas: 9</b>	<b>Total Nays: 4</b>			

### Appearances:

HB 931

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**HB 1103 : Patent Infringement**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	<b>Total Yeas: 13</b>	<b>Total Nays: 0</b>			

### HB 1103 Amendments

#### Amendment 696565

*Adopted Without Objection*

#### Amendment 686023

*Adopted Without Objection*

### Appearances:

HB 1103

Mann, Douglas (Lobbyist) - Waive In Support  
Associated Industries of Florida  
310 W College Avenue  
Tallahassee FL 32301  
Phone: 850)222-7535

HB 1103

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

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**HB 1103 : Patent Infringement (continued)**

**Appearances: (continued)**

HB 1103

Ross, Jared (Lobbyist) - Waive In Support

Florida Credit Union Association

3692 Coolidge Ct

Tallahassee FL 32311

Phone: 8505581012

HB 1103

Siomkos, Kimberly (Lobbyist) - Waive In Support

Florida Bankers Association

VP of Government Relations

1001 Thomasville Road

tallahassee Fl 32303

Phone: 561-317-4704

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)	
ADOPTED AS AMENDED	_____	(Y/N)	
ADOPTED W/O OBJECTION	<u>  ✓  </u>	(Y/N)	3/17/15
FAILED TO ADOPT	_____	(Y/N)	
WITHDRAWN	_____	(Y/N)	
OTHER			

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

**Amendment**

Remove lines 135-142 and insert:

6 (e) The person is the inventor or joint inventor of the  
 7 patented invention or discovery, or in the case of a patent  
 8 filed by and awarded to an assignee of the original inventor or  
 9 joint inventors, is the original assignee.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>  4  </u>	(Y/N) 3/17/15
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER		

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

**Amendment (with title amendment)**

5 Remove lines 185-192 and insert:  
 6 or deceptive trade practice in any action brought by an  
 7 enforcing authority pursuant to s. 501.207. For the purposes of  
 8 this section "enforcing authority" has the same meaning as  
 9 provided in s. 501.203.

10 Section 8. Section 501.997, Florida Statutes, is created  
 11 to read:

12 501.997 Exemptions.—This part shall not apply to  
 13 institutions of higher education, to a technology transfer  
 14 organization owned by or affiliated with an institution of  
 15 higher education, or to a demand letter or an assertion of  
 16 patent infringement that includes a claim for relief arising  
 17 under 35 U.S.C. s. 271(e)(2) or 42 U.S.C. s. 262.





Amendment No. 2

18  
19  
20  
21  
22

-----

**T I T L E   A M E N D M E N T**

Remove line 21 and insert:

501.997, F.S.; providing exemptions; providing an

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

### HB 1211 : Community Associations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee			X		
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan			X		
John Wood	X				
Kathleen Passidomo (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

### HB 1211 Amendments

#### Amendment 372591

Adopted Without Objection

### Appearances:

HB 1211

Goin, Yeline (Lobbyist) - Information Only  
Community Associates Leadership Lobby  
204 S Monroe Street, Suite 203  
Tallahassee FL 32312  
Phone: 850-284-2460

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)	
ADOPTED AS AMENDED	—	(Y/N)	
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N)	3/17/15
FAILED TO ADOPT	—	(Y/N)	
WITHDRAWN	—	(Y/N)	
OTHER	_____		

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

**Amendment (with title amendment)**

Remove lines 58-67 and insert:

6 (3) A member voting electronically pursuant to this section  
 7 shall be counted as being in attendance at the meeting for  
 8 purposes of determining a quorum.

9 (4) The bylaws of an association must provide for and allow  
 10 voting pursuant to this section before this section shall apply.  
 11 This section may apply to some or all matters for which a vote  
 12 of the membership is required.

Remove lines 115-124 and insert:

14 (3) A member voting electronically pursuant to this section  
 15 shall be counted as being in attendance at the meeting for  
 16 purposes of determining a quorum.



Amendment No. 1

17       (4) The bylaws of an association must provide for and allow  
18 voting pursuant to this section before this section shall apply.  
19 This section may apply to some or all matters for which a vote  
20 of the membership is required.

21       Remove lines 172-181 and insert:

22       (3) A member voting electronically pursuant to this section  
23 shall be counted as being in attendance at the meeting for  
24 purposes of determining a quorum.

25       (4) The bylaws of an association must provide for and allow  
26 voting pursuant to this section before this section shall apply.  
27 This section may apply to some or all matters for which a vote  
28 of the membership is required.

29

30       -----

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

32       Remove line 6 and insert:

33       certain conditions; providing that a member voting  
34       electronically is counted towards quorum; requiring that the  
35       bylaws allow electronic voting of some or all matters; providing

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

### PCS for HB 779 : Rental Agreements

Favorable With Amendment(s)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
<b>Total Yeas: 13</b>		<b>Total Nays: 0</b>			

### PCS for HB 779 Amendments

#### Amendment PCS for HB 779 a1 - Am 1

Adopted Without Objection

#### Amendment PCS for HB 779 a2 - Am 2

Adopted Without Objection

### Appearances:

#### PCS for HB 779

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

#### PCS for HB 779

Pratt, Kenneth (Lobbyist) - Information Only  
Florida Bankers Association  
VP of Governmental Affairs  
1001 Thomasville Rd, Ste 201  
Tallahassee FL 32303  
Phone: 850-224-2265

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**PCS for HB 779 : Rental Agreements (continued)**

**Appearances: (continued)**

PCS for HB 779

Vickers, Alice (Lobbyist) - Proponent

Florida Alliance for Consumer Protection  
Attorney

623 Beard St

Tallahassee FL 32303

Phone: 850-556-3121

PCS for HB 779

Grunewald, Kathy (Lobbyist) - Waive In Support

Florida Legal Services, Inc

2425 Torreya Dr

Tallahassee FL 32303

Phone: 850-385-7900

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N) 3/17/16
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment**

Remove lines 17-19 and insert:

6 Section 1. Section 83.561, Florida Statutes, is created to  
7 read:

8 83.561 Termination of rental agreement upon foreclosure.-



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/17/15
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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

**Amendment**

Remove lines 35-39 and insert:

6 of this notice and that I demand possession of the premises on  
 7 that date. You are still obligated to pay rent during the 30-day  
 8 period in the same amount that you have



# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**PCS for HB 943 : Family Law**

Favorable With Amendment(s)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman		X			
Colleen Burton	X				
Dwight Dudley		X			
Walter Hill	X				
Kionne McGhee		X			
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford		X			
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 4</b>			

**PCS for HB 943 Amendments**

**Amendment PCS for HB 943 a1 - Am 1**

Adopted

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton		X			
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman		X			
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood		X			
Kathleen Passidomo (Chair)		X			
<b>Total Yeas: 9</b>		<b>Total Nays: 4</b>			

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/17/2015 8:00:00AM

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

**PCS for HB 943 : Family Law (continued)**

### Appearances:

PCS for HB 943

Power, Terrance - Proponent

Family Law Reform, Inc.

1612 Shady Oaks Drive

Oldsmar FL

Phone: 8137813266

PCS for HB 943

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

PCS for HB 943

Frisher, Alan - Proponent

Family Law Reform

6550 N Wickham Road

Melbourne FL 32940

Phone: 321-242-7526

PCS for HB 943

Sasser, Thomas - Proponent

Family Law Section of Florida Bar

Attorney

1800 Australian Ave S, Ste 203

West Palm Beach Florida 33472

Phone: 561-281-5611

PCS for HB 943

DeVane, Barbara (Lobbyist) - Opponent

FL NOW

625 E Brevard St.

Tallahassee FL 32308

Phone: (850)222-3969

Committee meeting was reported out: Tuesday, March 17, 2015 4:49:53PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)	3/17/15
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)	
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)	
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)	
WITHDRAWN	<input type="checkbox"/>	(Y/N)	
OTHER	<input type="checkbox"/>		

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

**Amendment**

Remove line 310 and insert:

6 14. The adultery of either spouse and the circumstances  
7 thereof.

8 15. Any other factor necessary to do equity and justice