



Civil Justice Subcommittee

Friday, April 1, 2011

8:45 AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**Eric Eisnaugle
Chair**

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Friday April 01, 2011 08:45 am

HJR 47	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 59	Favorable With Committee Substitute	Yeas: 14	Nays: 0
HB 387	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 621	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 661	Favorable With Committee Substitute	Yeas: 10	Nays: 5
HB 1111	Favorable With Committee Substitute	Yeas: 12	Nays: 0
HB 1393	Favorable With Committee Substitute	Yeas: 12	Nays: 3
HB 1475	Favorable With Committee Substitute	Yeas: 15	Nays: 0

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Eric Eisnaugle (Chair)	X		
Mack Bernard	X		
Clay Ford	X		
Matt Gaetz	X		
Bill Hager	X		
Shawn Harrison	X		
Martin Kiar	X		
Larry Metz	X		
Kathleen Passidomo	X		
Darren Soto	X		
Cynthia Stafford	X		
Kelli Stargel	X		
Richard Steinberg	X		
W. Gregory Steube	X		
Michael Weinstein	X		
Totals:	15	0	0

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HJR 47 : Judicial Qualifications

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnagle (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HJR 47

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 47 (2011)

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WITHDRAWN _____ (Y/N)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
4-1-11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Porth offered the following:

3
4 **Amendment (with schedule, ballot and title amendments)**

5 Remove lines 23-36 and insert:

6 eligible for the office of justice of the supreme court or judge
7 of a district court of appeal unless the person is, and has been
8 for the preceding ten years, a member of the bar of Florida. No
9 person is eligible for the office of circuit judge unless the
10 person is, and has been for the preceding eight ~~five~~ years, a
11 member of the bar of Florida. Unless otherwise provided by
12 general law, no person is eligible for the office of county
13 court judge unless the person is, and has been for the preceding
14 eight ~~five~~ years, a member of the bar of Florida. Unless
15 otherwise provided by general law, a person shall be eligible
16 for election or appointment to the office of county court judge
17 in a county having a population of 40,000 or less if the person
18 is a member in good standing of the bar of Florida.

Amendment No. 1

19 SECTION 21. Qualifications of Circuit and County Court
20 Judges.—The amendment to Section 8 changing the qualifications
21 of circuit judges and county court judges shall take effect
22 January 9, 2013. The amendment does not affect any judge in
23 office on the effective date of the amendment. Any judge
24 qualified to hold office and in office on January 8, 2013, shall
25 remain in office and shall be eligible to seek reelection to
26 such judicial office in the future regardless of whether such
27 judge has been a member of bar of Florida for the previous eight
28 years.

31 -----
32 **S C H E D U L E A M E N D M E N T**

33 Remove line 10 and insert:

34 That the following amendment to Section 8 of Article V, and
35 the creation of Section 21 of Article V, of

36 -----
37
38
39 **B A L L O T A M E N D M E N T**

40 Remove lines 48-51 and insert:

41 of the Florida Bar. This proposed amendment increases to 8 years
42 the period of time that a person must be a member of The Florida
43 Bar before serving as a circuit court judge or a county court
44 judge in any county. The increased qualifications do not apply
45 to county court or circuit court judges in office on January 8,

Amendment No. 1

46 2013, or to persons seeking to be elected to the office of
47 county court or circuit court judge during this election.

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49

50

51

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

52

Remove lines 2-6 and insert:

53

A joint resolution proposing an amendment to Section 8 of

54

Article V, and the creation of Section 21 of Article V, of the

55

State Constitution to increase the period of time that a person

56

must be a member of The Florida Bar before becoming eligible for

57

the office of circuit court or county court judge; providing

58

that judges in office are not affected by the increase.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 59 : Service of Process

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 59

Barnes, Arthur (General Public) - Waive In Support

Lt., Leon County Sheriff's Office

2825 Municipal Way

Tallahassee FL 32304

Phone: 850-922-3442

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 59 (2011)

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
4.1.11*

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (1) and subsection (3) of section 30.231, Florida Statutes, are amended to read:

30.231 Sheriffs' fees for service of summons, subpoenas, and executions.—

(1) The sheriffs of all counties of the state in civil cases shall charge fixed, nonrefundable fees for docketing and service of process, according to the following schedule:

(d) Executions:

1. Forty dollars for processing ~~docketing and indexing~~ each writ of execution, regardless of the number of persons involved.

2. Fifty dollars for each levy.

a. A levy is considered made when any property or any portion of the property listed or unlisted in the instructions

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 59 (2011)

Amendment No. 1

20 for levy is seized, or upon demand of the sheriff the writ is
21 satisfied by the defendant in lieu of seizure. Seizure requires
22 that the sheriff take actual possession, if practicable, or,
23 alternatively, constructive possession of the property by order
24 of the court.

25 b. When the instructions are for levy upon real property,
26 a levy fee is required for each parcel described in the
27 instructions.

28 c. When the instructions are for levy based upon personal
29 property, one fee is allowed, unless the property is seized at
30 different locations, conditional upon all of the items being
31 advertised collectively and the sale being held at a single
32 location. However, if the property seized cannot be sold at one
33 location during the same sale as advertised, but requires
34 separate sales at different locations, the sheriff is then
35 authorized to impose a levy fee for the property and sale at
36 each location.

37 3. Forty dollars for advertisement of sale under process.

38 4. Forty dollars for each sale under process.

39 5. Forty dollars for each deed, bill of sale, or
40 satisfaction of judgment.

41 (3) ~~It shall be the responsibility of~~ The party requesting
42 service of process must ~~to~~ furnish to the sheriff the original
43 process, or a certified copy of the process, or an electronic
44 copy of the process, which was signed and certified by the clerk
45 of court, and sufficient copies to be served on the parties
46 receiving the service of process. The party requesting service
47 of process shall provide the sheriff with the best known address

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 59 (2011)

Amendment No. 1

48 where the person may be served. Failure to perfect service at
49 the address provided does not excuse the sheriff from his or her
50 duty to exercise due diligence in locating the person to be
51 served.

52 Section 2. Subsection (5) of section 48.031, Florida
53 Statutes, is amended, and subsection (7) is added to that
54 section, to read:

55 48.031 Service of process generally; service of witness
56 subpoenas.—

57 (5) A person serving process shall place, on the first
58 page of at least one of the processes ~~copy~~ served, the date and
59 time of service and his or her identification number and
60 initials for all service of process. The person serving process
61 shall list on the return-of-service form all initial pleadings
62 delivered and served along with the process. The person issuing
63 the process shall file the return-of-service form with the
64 court.

65 (7) A gated residential community, including a condominium
66 association or a cooperative, shall grant unannounced entry into
67 the community, including its common areas and common elements,
68 to a person who is attempting to serve process on a defendant or
69 witness who resides within or is known to be within the
70 community.

71 Section 3. Paragraph (a) of subsection (3) of section
72 48.081, Florida Statutes, is amended to read:

73 48.081 Service on corporation.—

74 (3) (a) As an alternative to all of the foregoing, process
75 may be served on the agent designated by the corporation under

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 59 (2011)

Amendment No. 1

76 s. 48.091. However, if service cannot be made on a registered
77 agent because of failure to comply with s. 48.091, service of
78 process shall be permitted on any employee at the corporation's
79 principal place of business or on any employee of the registered
80 agent. A person attempting to serve process pursuant to this
81 paragraph may serve the process on any employee of the
82 registered agent during the first attempt at service even if the
83 registered agent is temporarily absent from his or her office.

84 Section 4. Section 48.21, Florida Statutes, is amended to
85 read:

86 48.21 Return of execution of process.—

87 (1) Each person who effects service of process shall note
88 on a return-of-service form attached thereto, the date and time
89 when it comes to hand, the date and time when it is served, the
90 manner of service, the name of the person on whom it was served
91 and, if the person is served in a representative capacity, the
92 position occupied by the person. The return-of-service form must
93 be signed by the person who effects the service of process.
94 However, a person employed by a sheriff who effects the service
95 of process may sign the return-of-service form using an
96 electronic signature certified by the sheriff.

97 (2) A failure to state the ~~foregoing~~ facts or to include
98 the signature required by subsection (1) invalidates the
99 service, but the return is amendable to state the facts or to
100 include the signature ~~truth~~ at any time on application to the
101 court from which the process issued. On amendment, service is as
102 effective as if the return had originally stated the omitted
103 facts or included the signature. A failure to state all the

Amendment No. 1

104 facts in or to include the signature on the return shall subject
105 the person effecting service to a fine not exceeding \$10, in the
106 court's discretion.

107 Section 5. Subsection (6) of section 48.29, Florida
108 Statutes, is amended to read:

109 48.29 Certification of process servers.--

110 (6) A certified process server shall place the information
111 required ~~provided~~ in s. 48.031(5) on the first page of at least
112 one of the processes ~~copy~~ served. Return of service shall be
113 made by a certified process server on a form which has been
114 reviewed and approved by the court.

115 Section 6. This act shall take effect July 1, 2011.

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117 -----

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

118 Remove the entire title and insert:

119 A bill to be entitled

120 An act relating to service of process; amending s.
121 30.231, F.S.; authorizing a sheriff to charge a fee
122 for processing a writ of execution; authorizing a
123 person to provide the sheriff with an electronic copy
124 of a process for service; amending s. 48.031, F.S.;
125 directing a process server to place required
126 information on the first page of at least one of the
127 processes served; requiring a process server to list
128 all initial pleadings delivered and served along with
129 the process on the return-of-service form; requiring
130 the person issuing the process to file the return-of-
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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 59 (2011)

Amendment No. 1

132 service form with the court; granting authorized
133 process servers unannounced access to specified
134 residential areas where a defendant or witness resides
135 or is known to be; amending s. 48.081, F.S.;

136 authorizing a person attempting to serve process on
137 the registered agent of a corporation to serve the
138 process, in specified circumstances, on any employee
139 of the registered agent during the first attempt at
140 service even if the registered agent is temporarily
141 absent from his or her office; amending s. 48.21,
142 F.S.; requiring a process server to sign the return-
143 of-service form; authorizing an employee of a sheriff
144 to sign a return-of-service form electronically;

145 providing that the failure to sign a return-of-service
146 form invalidates the service and subjects the process
147 server to a fine; amending s. 48.29, F.S.; directing a
148 process server to place required information on the
149 first page of at least one of the processes served;
150 providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 387 : Child Visitation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 387

Duggar, Thomas (General Public) - Waive In Support

Family Law Section of the Florida Bar

1391 Timberlane

Tallahassee FL

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 387 (2011)

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
4.1.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Steube offered the following:

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4 **Amendment**

5 Remove line 27 and insert:

6 in any proceeding pursuant to this chapter visitation and

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 621 : Child Custody

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz			X		
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 621

Sherman, Eric (General Public) - Waive In Support
Department of Defense, State Liaison, SE
8929 Spring Harvest Lane West
Jacksonville FL 32244
Phone: 904-537-6273

HB 621

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

HB 621

Martin, Sasha-Maria (General Public) - Waive In Support
Florida Department of Veterans' Affairs, Legislative Intern

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 621 (2011)

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
4.1.11*

Committee/Subcommittee hearing bill: Civil Justice Subcommittee
Representative(s) Renuart offered the following:

Amendment (with directory and title amendments)

Remove lines 36-55 and insert:

for or modification of permanent time-sharing and parental responsibility. When entering a temporary order under this section, the court shall consider and provide for, if feasible, contact between the military servicemember and his or her child, including, but not limited to, electronic communication by webcam, telephone, or other available means. The court shall also permit liberal time-sharing during periods of leave from military service, as it is in the child's best interests to maintain the parent-child bond during the parent's military service.

Amendment No. 1

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

Remove lines 17-18 and insert:

Section 1. Subsection (1) of section 61.13002, Florida Statutes, is amended to read:

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

Remove lines 6-13 and insert:

factor in granting a petition for or modification of permanent time-sharing and parental responsibility; providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 661 : Nursing Home Litigation Reform

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard		X			
Clay Ford	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar		X			
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto		X			
Cynthia Stafford		X			
Kelli Stargel	X				
Richard Steinberg		X			
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnagle (Chair)	X				
Total Yeas: 10		Total Nays: 5			

Appearances:

HB 661

Large, William (Lobbyist) - Waive In Support
Florida Justice Reform Institute
210 S Monroe St
Tallahassee FL 32301-1824
Phone: (850)222-0170

HB 661

Hart, David (Lobbyist) - Waive In Support
Executive Vice President, Florida Chamber
136 S Bronough
Tallahassee FL 32301
Phone: 850-521-1200

HB 661

Fierro, Victoria (General Public) - Opponent
2855 Asbury Hill
Tallahassee FL 32312
Phone: 850-386-3400

HB 661

Berkowitz, Carol (Lobbyist) - Waive In Support
Florida Association of Homes and Services for the Aging
1812 Riggins Rd
Tallahassee FL 32308
Phone: (850)671-3700

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 661

Posgay, Matthew (General Public) - Opponent

136 E Bay Street
Jacksonville FL 32202
Phone: 904-356-6071

HB 661

Henley, Debra (Lobbyist) - Opponent

Florida Justice Association
218 S Monroe St
Tallahassee FL 32301
Phone: (850)224-9403

HB 661

Gray, Randolph (General Public) - Opponent

4061 N State Rd 53
Madison FL 32340
Phone: 850-464-1296

HB 661

McRay, Jack (Lobbyist) - Opponent

AARP
200 W College Ave Ste 304
Tallahassee FL 32301
Phone: (850)577-5187

HB 661

Pitts, Brian - Opponent

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

HB 661

De La Torre, LPN, Alicia (General Public) - Proponent

560 Carolina St
Monticello FL 32344
Phone: 850-997-6737

HB 661

Aasheim, Kari (General Public) - Proponent

Florida Health Care Association
5702 W Lauret Street, Suite 700
Tampa FL
Phone: 813-769-6280

HB 661

Sheedy, Michael (Lobbyist) - Waive In Support

Florida Catholic Conference
201 W Park Ave
Tallahassee FL 32301-7715
Phone: (850)222-3803

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 661

Franklin, Deborah (General Public) - Waive In Support

Not-for-Profit Director, Florida Living Options

2806 Fritzke Rd

Dover FL 33527

Phone: 813-986-4291

HB 661

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

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 661 (2011)

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
4.1.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Gaetz offered the following:

3

4 **Amendment**

5 Remove line 42 and insert:

6 against an officer, director, owner, including any

A

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 661 (2011)

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 _____

*farrable
4.1.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Gaetz offered the following:

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4 **Amendment**

5 Remove line 56 and insert:

6 under this part, a cause of action under s. 415.1111 may not be

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 661 (2011)

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	_____	

*favourable
4.1.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Gaetz offered the following:

3

4 **Amendment**

5 Remove line 250 and insert:

6 by the court to amend the complaint to add a count for punitive

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 661 (2011)

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
4.1.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Gaetz offered the following:

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Amendment

Remove lines 263-265 and insert:
to add a count for punitive damages is not an admission or
finding of liability for conduct described in subsection (2).

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 661 (2011)

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
4.1.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Gaetz offered the following:

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Amendment

Remove line 70 and insert:

section, noneconomic damages may not exceed \$250,000 per
resident,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 661 (2011)

Amendment No. 6

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
4.1.11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Gaetz offered the following:

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4

Amendment

5

Remove lines 281-296 and insert:

6

(d) In any action brought under ss. 400.023-400.0238, if

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the license demonstrates compliance with the minimum staffing

8

requirements under this part, the licensee is entitled to a

9

rebuttable presumption that appropriate staffing was provided.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 1111 : Uniform Interstate Family Support Act

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz			X		
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz			X		
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube			X		
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

HB 1111

Duggar, Thomas (General Public) - Waive In Support

Family Law Section of the Florida Bar

1391 Timberlane

Tallahassee FL

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1111 (2011)

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
4.1.11*

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

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Amendment

Remove line 294 and insert:

88.1041 Application to resident of foreign country and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1111 (2011)

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
4-1-11*

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

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Amendment

Remove line 501 and insert:
state, ~~or~~ another state, or foreign country with regard to the
same obligor and the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1111 (2011)

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
4.1.11*

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

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4 **Amendment**

5 Remove lines 575-588 and insert:
6 which was issued by a tribunal of another state or a foreign
7 country, a tribunal of this state shall enforce those orders in
8 the same manner as if the ~~multiple~~ orders had been issued by a
9 tribunal of this state.

10 Section 13. Section 88.2091, Florida Statutes, is amended
11 to read:

12 88.2091 Credit for payments.—A tribunal of this state
13 shall credit amounts collected ~~and credited~~ for a particular
14 period pursuant to any child support order against the amounts
15 owed for the same period under any other child support order for
16 support of the same child ~~a support order issued by a tribunal~~
17 ~~of another state must be credited against the amounts accruing~~
18 ~~or accrued for the same period under a support order issued by~~
19 the tribunal of this state, another state, or a foreign country.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1111 (2011)

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
4.1.11*

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

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Amendment (with title amendment)

Remove line 1778 and insert:

Section 75. Upon the passage of this bill, the Department of Revenue is directed to apply for a waiver from the Federal Office of Child Support Enforcement pursuant to the state plan requirement under Title IV-D of the Social Security Act

Section 76. This act shall take effect upon the earlier of 90 days following Congress amending 42 U.S.C. s. 666(f) to allow or require states to adopt the 2008 version of the Uniform Interstate Family Support Act, or 90 days following the state obtaining a waiver of its state plan requirement under Title IV-D of the Social Security Act.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1111 (2011)

Amendment No. 4

20 Remove lines 119-120 and insert:
21 and 827.06, F.S.; correcting cross-references; directing the
22 Department of Revenue to apply for a waiver; providing a
23 contingent effective date.

24

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 1393 : Sovereign Immunity

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar		X			
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford		X			
Kelli Stargel	X				
Richard Steinberg		X			
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnaugle (Chair)	X				
Total Yeas: 12		Total Nays: 3			

Appearances:

HB 1393

Henley, Debra (Lobbyist) - Opponent

Florida Justice Association
218 S Monroe St
Tallahassee FL 32301
Phone: (850)224-9403

HB 1393

Tighe, Mary (Lobbyist) - Waive In Support

Jackson Health System, PHT
1611 NW 12th Ave West Wing 117
Miami FL 33136
Phone: (305)585-6754

HB 1393

Scott, Jeffery (Lobbyist) - Waive In Support

Florida Medical Association
PO Box 10269
Tallahassee FL 32302
Phone: (850)224-6496

HB 1393

Moore, Ed (Lobbyist) - Waive In Support

Independent Colleges & Universities of Florida, Inc
542 E Park Ave
Tallahassee FL 32301
Phone: (850)681-3188

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 1393

Bell, Bill - Waive In Support
Florida Hospital Association
306 E College Ave
Tallahassee FL 32301
Phone: (850) 222-9800

HB 1393

McCarty, Jess (Lobbyist) - Waive In Support
Miami-Dade County
111 NW 1st St
Miami FL 33128
Phone: (305)375-1634

HB 1393

Wells, Charles T. (Lobbyist) - Proponent
University of Miami
301 e Pine Street, Suite 1400
Orlando FL
Phone: 407-843-8880

HB 1393

Pereira, Adriana (Lobbyist) (State Employee) - Waive In Support
Director of State Relations, Florida International University
11200 SW 8 Street, PC 519
Miami FL 33199
Phone: 305-348-3505

HB 1393

Book, Ronald (Lobbyist) - Proponent
University of Miami
Ashe Administration Bldg Rm 230
Coral Gables FL 33146
Phone: (305)935-1866

HB 1393

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

HB 1393

Donelan, Bill (General Public) - Waive In Support
COO, University of Miami
1320 S Dixie Hwy, #325
Miami FL
Phone: 305-243-7873

Committee meeting was reported out: Friday, April 01, 2011 1:28:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1393 (2011)

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
4-1-11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Artiles offered the following:

Amendment (with title amendment)

5 Remove line 301 and insert:

6 government owner or operator. The contract must also provide
7 that those limited portions of the college, university, or
8 medical school that are directly providing services pursuant to
9 the contract and that are considered an agency of the state for
10 purposes of this section are acting on behalf of a public agency
11 pursuant to s. 119.011(2). As used in this paragraph, the

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

16 Remove line 20 and insert:

17 the contract to provide for indemnification; providing that the
18 portion of the not-for-profit entity deemed an agent of the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1393 (2011)

Amendment No. 1

19 | state for purpose of indemnity is also an agency of the state
20 | for purpose of public records laws; providing

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

4/1/2011 8:45:00AM

Location: 404 HOB

HB 1475 : Alimony

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mack Bernard	X				
Clay Ford	X				
Matt Gaetz	X				
Bill Hager	X				
Shawn Harrison	X				
Martin Kiar	X				
Larry Metz	X				
Kathleen Passidomo	X				
Darren Soto	X				
Cynthia Stafford	X				
Kelli Stargel	X				
Richard Steinberg	X				
W. Gregory Steube	X				
Michael Weinstein	X				
Eric Eisnagle (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 1475

Duggar, Thomas (General Public) - Waive In Support
Family Law Section of the Florida Bar
1391 Timberlane
Tallahassee FL

HB 1475

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: Friday, April 01, 2011 1:28:28PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1475 (2011)

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
4-1-11

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Stargel offered the following:

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4 **Amendment (with title amendment)**

5 Remove lines 64-117 and insert:

6 period of time following a marriage of short or moderate
7 duration, or following a marriage of long duration if there is
8 no ongoing need for support on a permanent basis. An award of
9 durational alimony terminates upon the death of either party or
10 upon the remarriage of the party receiving alimony. The amount
11 of an award of durational alimony may be modified or terminated
12 based upon a substantial change in circumstances in accordance
13 with s. 61.14. However, the length of an award of durational
14 alimony may not be modified except under exceptional
15 circumstances and may not exceed the length of the marriage.

16 (8) Permanent alimony may be awarded to provide for the
17 needs and necessities of life as they were established during
18 the marriage of the parties for a party who lacks the financial
19 ability to meet his or her needs and necessities of life

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1475 (2011)

Amendment No. 1

20 following a dissolution of marriage. Permanent alimony may be
21 awarded following a marriage of long duration if such an award
22 is appropriate upon consideration of the factors set forth in
23 subsection (2), following a marriage of moderate duration if
24 such an award is appropriate based upon clear and convincing
25 evidence after consideration of the factors set forth in
26 subsection (2), or following a marriage of short duration if
27 there are written findings of exceptional circumstances. In
28 awarding permanent alimony, the court shall include a finding
29 that no other form of alimony is fair and reasonable under the
30 circumstances of the parties. An award of permanent alimony
31 terminates upon the death of either party or upon the remarriage
32 of the party receiving alimony. An award may be modified or
33 terminated based upon a substantial change in circumstances or
34 upon the existence of a supportive relationship in accordance
35 with s. 61.14.

36 (9) The award of alimony shall not leave the payor with
37 significantly less net income than the net income of the
38 recipient unless there are written findings of exceptional
39 circumstances.

40 Section 2. This act is effective upon becoming law and
41 shall apply to all initial awards of alimony entered after the
42 effective date of this act and modifications of such awards.

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45 -----
46 **T I T L E A M E N D M E N T**

47 Remove lines 5-16 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1475 (2011)

Amendment No. 1

48 of durational alimony; revising provisions relating to awards of
49 permanent alimony; providing that the award of alimony shall not
50 leave the payor with significantly less net income than the net
51 income of the recipient unless there are written findings of
52 exceptional circumstances; providing for applicability of the
53 act, providing an effective date.

54

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1475 (2011)

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	_____	

*Favorable
4-1-11*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative(s) Stargel offered the following:

3
4 **Amendment to Amendment (1) by Representative Stargel**

5 Remove lines 40-42 and insert:

6 Section 2. This act is effective July 1, 2011. The
7 amendments to s. 61.08, Florida Statutes, by this act apply to
8 all initial awards of alimony entered after July 1, 2011, and to
9 all modifications of alimony such awards made after July 1,
10 2011. Such amendments may not serve as a basis to modify awards
11 entered before July 1, 2011, or as a basis to change amounts or
12 duration of awards existing before July 1, 2011. The amendments
13 to s. 61.08, Florida Statutes, by this act are applicable to all
14 cases pending on or filed after July 1, 2011.