



Judiciary Committee

Wednesday, February 8, 2012

8:30AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

Summary:

Judiciary Committee

Wednesday February 08, 2012 08:30 am

HB 243 Retained

CS/HB 313 Favorable With Committee Substitute Yeas: 14 Nays: 0

Amendment 229875 Adopted Without Objection

Amendment 257221 Adopted Without Objection

Amendment 805083 Adopted Without Objection

CS/HB 565 Temporarily Deferred

CS/HB 671 Favorable Yeas: 12 Nays: 0

CS/HB 729 Favorable With Committee Substitute Yeas: 15 Nays: 0

Amendment 044981 Adopted Without Objection

CS/HB 823 Favorable Yeas: 14 Nays: 0

HB 851 Favorable Yeas: 15 Nays: 0

CS/HB 935 Favorable Yeas: 14 Nays: 0

CS/HB 1001 Favorable With Committee Substitute Yeas: 16 Nays: 0

Amendment 170973 Adopted Without Objection

Amendment 214569 Adopted Without Objection

Amendment 317493 Adopted Without Objection

Amendment 733261 Adopted Without Objection

CS/HB 1081 Favorable Yeas: 15 Nays: 0

CS/HB 1175 Favorable With Committee Substitute Yeas: 14 Nays: 0

Amendment 007403 Adopted Without Objection

CS/HB 1331 Favorable Yeas: 12 Nays: 0

Motion to Temporarily Defer HB 243 Failed Yeas: 6 Nays: 10

Motion to Recess made during HB 243 Failed Yeas: 6 Nays: 10

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Daphne Campbell	X		
Eric Eisnaugle	X		
Matt Gaetz	X		
Tom Goodson	X		
Bill Hager	X		
Gayle Harrell	X		
Shawn Harrison		X	
John Julien	X		
Charles McBurney	X		
Larry Metz	X		
Kathleen Passidomo	X		
Ray Pilon	X		
Ari Porth	X		
Elaine Schwartz	X		
Darren Soto	X		
Richard Steinberg	X		
Michael Weinstein	X		
Totals:	17	1	0

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

HB 243 : Expert Testimony

Retained

Appearances:

HB 243

Cochran, Tony (Lobbyist) - Proponent
Florida Justice Reform Institute
3127 Maple Drive
Atlanta FL 30305
Phone: 404-233-4171

HB 243

Daniel, David (Lobbyist) - Waive In Support
Florida Chamber of Commerce
136 S Bronough St
Tallahassee FL 32301
Phone: (850)521-1250

HB 243

Kroeger, Leslie (General Public) - Opponent
2925 PGA Blvd
Palm Beach Gardens FL 33410
Phone: 561-515-1400

HB 243

Mahle, Stephen (Lobbyist) (General Public) - Waive In Support
Florida Justice Reform Institute
4840 NW 28th Ave
Boca Raton FL undefined
Phone: 561-451-8400

HB 243

King, Brad (State Employee) - Opponent
State Attorney 5th Circuit
110 NW 1st Ave. Suite 5000
Ocala FL 34480
Phone: (352)671-5914

HB 243

González, Jose (Lobbyist) - Waive In Support
Associated Industries of Florida
PO Box 784
Tallahassee FL 32302
Phone: (850)224-7173

HB 243

Meros, George (Lobbyist) - Proponent
U.S. Chamber of Commerce
301 S. Bronough
Tallahassee FL 32302
Phone: 850-577-5487

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

HB 243 : Expert Testimony (continued)

Appearances: (continued)

HB 243

Miller, Holly (Lobbyist) - Waive In Support

Florida Medical Association

PO Box 10269

Tallahassee FL 32302

Phone: (850)224-6496

HB 243

Rafferty, Troy (General Public) - Opponent

Florida Justice Association

316 S. Bayles

Pensacola FL

Phone: 850-435-7163

HB 243

Edwards, Tom (General Public) - Opponent

FJA

Jacksonville FL

Phone: 904-219-4947

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

Actionable Items

Motion to Temporarily Defer HB 243

Failed

Motion to Recess made during HB 243

Failed

COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: JDC
Meeting Date: 2.8
Place: 404 HOB
Time: 8:30

Bill Number: 243
Date Received: _____
Date Reported: _____
Subject: _____

Council/Committee Action:

- | | |
|---|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	<i>motion to TP</i>		<i>motion to Reconsider</i>		Yea	Nay	Yea	Nay
			Yea	Nay	Yea	Nay				
	2	Campbell	2		2					
2		Eisnagle		2		2				
2		Gaetz		2		2				
2		Goodson		2		2				
2		Hager		2		2				
2		Harrell		2		2				
		Harrison								
	2	Julien	2		2					
2		McBurney		2		2				
2		Metz		2		2				
2		Passidomo		2		2				
		Pilon								
	2	Porth	2		2					
	2	Schwartz	2		2					
	2	Soto	2		2					
2		Steinberg	2		2					
2		Weinstein		2		2				
2		Chair Snyder		2		2				
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
11	5		6	10	6	10				

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

- | | |
|-----------------------|---------------------|
| Lobbyist: L | Proponent: P |
| State Employee: SE | Opponent: O |
| General Public: G | Information only: I |
| Requested to Speak: R | |

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 313 : Premises Liability

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

CS/HB 313 Amendments

Amendment 229875

Adopted Without Objection

Amendment 257221

Adopted Without Objection

Amendment 805083

Adopted Without Objection

Appearances:

CS/HB 313

Ard, Samuel (Lobbyist) - Waive In Support

Florida Cattlemen's Association

PO Box 421929

Kissimmee FL 34742-1929

Phone: (850)577-6500

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 313 : Premises Liability (continued)

Appearances: (continued)

CS/HB 313

Elliott, Brandy (Lobbyist) - Waive In Support

Florida Fish and Wildlife Conservation Commission

620 S Meridian St

Tallahassee FL 32399-1600

Phone: (850)487-3795

CS/HB 313

Stephens, Lane (Lobbyist) - Waive In Support

Future of Hunting in Florida

201 S Monroe Street, Suite 300

Tallahassee FL 32301

Phone: 850-513-0004

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
2-8-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Bemby offered the following:

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Amendment (with title amendment)

Remove lines 52-53 and insert:

lessee provides written notice of this provision to the person
before or at the time of entry upon the area or posts notice of
this provision conspicuously upon the area.

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

Remove lines 6-7 and insert:

limitations on liability if certain notice is provided;
 providing that an owner

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
2-8-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Bemby offered the following:

4 **Amendment**

5 Remove lines 68-78 and insert:
6 for outdoor recreational purposes, where such agreement
7 recognizes that the state is responsible for personal injury,
8 loss, or damage resulting in whole or in part from the state's
9 use of the area under the terms of the agreement subject to the
10 limitations and conditions specified in s. 768.28, owes no duty
11 of care to keep the ~~that land or water~~ area safe for entry or
12 use by others, or to give warning to persons entering or going
13 on the area ~~that land or water~~ of any hazardous conditions,
14 structures, or activities thereon. An owner who enters into such
15 a written agreement concerning the area with leases land or
16 ~~water area to~~ the state for outdoor recreational purposes shall
17 ~~not by giving such lease:~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 313 (2012)

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
2-8-12*

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

4 **Amendment**

5 Between lines 92 and 93, insert:

6 (c) It is the intent of this subsection that an agreement
7 entered into pursuant to this subsection should not result in
8 compensation to the owner of the area above reimbursement of
9 reasonable costs or expenses associated with the agreement. An
10 agreement that so provides does not subject the owner or the
11 state to liability even if the compensation exceeds those costs
12 or expenses. This paragraph will only apply to agreements
13 executed after July 1, 2012.
14

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 565 : Equitable Distribution of Marital Assets and Liabilities

Temporarily Deferred

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 671 : Liens on Real Property

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager			X		
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz			X		
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 729 : Hiring, Leasing, or Obtaining Personal Property or Equipment with the Intent to Defraud

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 0			

CS/HB 729 Amendments

Amendment 044981

Adopted Without Objection

Appearances:

CS/HB 729

Dughi, Leslie (Lobbyist) - Waive In Support
Enterprise, Alamo, National Rental Cars
101 E College Avenue
Tallahassee FL
Phone: 850-222-6891

CS/HB 729

Bell, Douglas (Lobbyist) - Waive In Support
Avis Budget Group
6 Sylvan Way Legal Dept 3rd Floor
Parsippany NJ 7054
Phone: (850)222-3533

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 729 (2012)

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
2.8.12*

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 812.155, Florida Statutes, is amended
7 to read:

8 812.155 Hiring, leasing, or obtaining personal property or
9 equipment with the intent to defraud; failing to return hired or
10 leased personal property or equipment; rules of evidence.—

11 (1) OBTAINING BY TRICK, FALSE REPRESENTATION, ETC.—

12 Whoever, with the intent to defraud the owner or any person
13 lawfully possessing any personal property or equipment, obtains
14 the custody of the ~~such~~ personal property or equipment by trick,
15 deceit, or fraudulent or willful false representation commits
16 ~~shall be guilty of~~ a misdemeanor of the second degree,
17 punishable as provided in s. 775.082 or s. 775.083, unless the
18 value of the personal property or equipment is of a value of
19 \$300 or more; in that case event the person commits violation

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 729 (2012)

Amendment No. 1

20 ~~constitutes~~ a felony of the third degree, punishable as provided
21 in s. 775.082, s. 775.083, or s. 775.084.

22 (2) HIRING OR LEASING WITH THE INTENT TO DEFRAUD.—Whoever,
23 with intent to defraud the owner or any person lawfully
24 possessing ~~any~~ personal property or equipment of the rental
25 thereof, hires or leases the personal property or equipment from
26 the owner or the owner's agents or any person in lawful
27 possession thereof commits ~~shall, upon conviction, be guilty of~~
28 a misdemeanor of the second degree, punishable as provided in s.
29 775.082 or s. 775.083, unless the value of the personal property
30 or equipment is of a value of \$300 or more; in that case event
31 the person commits ~~violation constitutes~~ a felony of the third
32 degree, punishable as provided in s. 775.082, s. 775.083, or s.
33 775.084.

34 (3) FAILURE TO RETURN ~~REDELIVER~~ HIRED OR LEASED PERSONAL
35 PROPERTY.—Whoever, after hiring or leasing ~~any~~ personal property
36 or equipment under an agreement to return ~~redeliver~~ the personal
37 property ~~same~~ to the person letting the ~~such~~ personal property
38 or equipment or his or her agent at the termination of the
39 period for which it was let, shall, without the consent of the
40 ~~such~~ person or persons knowingly abandon or refuse to return
41 ~~redeliver~~ the personal property or equipment as agreed, commits
42 ~~shall, upon conviction, be guilty of~~ a misdemeanor of the second
43 degree, punishable as provided in s. 775.082 or s. 775.083,
44 unless the value of the personal property or equipment is of a
45 value of \$300 or more; in that case event the person commits
46 ~~violation constitutes~~ a felony of the third degree, punishable
47 as provided in s. 775.082, s. 775.083, or s. 775.084.

044981 - h729-strike.docx

Published On: 2/7/2012 6:19:27 PM

Amendment No. 1

48 (4) EVIDENCE.—

49 (a) In a prosecution ~~prosecutions~~ under this section,
50 obtaining the property or equipment under false pretenses;
51 absconding without payment; or removing or attempting to remove
52 the property or equipment from the county without the express
53 written consent of the lessor, is evidence of fraudulent intent.

54 (b) In a prosecution under subsection (3), failure to
55 redeliver the property or equipment within 5 days after
56 receiving the demand for return from a courier service with
57 tracking capability or by certified mail, return receipt
58 requested ~~receipt of~~, or within 5 days after delivery by the
59 courier service or return receipt from, the certified mailing of
60 the demand for return, is prima facie evidence of abandonment or
61 refusal to redeliver the property or equipment. Notice mailed by
62 certified mail, return receipt requested, or delivery by courier
63 with tracking capability to the address given by the renter at
64 the time of rental is ~~shall be deemed~~ sufficient and equivalent
65 to notice having been received by the renter, should the notice
66 be returned undelivered.

67 (c) In a prosecution under subsection (3), failure to pay
68 any amount due which is incurred as the result of the failure to
69 redeliver property or equipment after the rental period expires,
70 and after the demand for return is made, is prima facie evidence
71 of abandonment or refusal to redeliver the property or
72 equipment. Amounts due include unpaid rental for the time period
73 during which the property or equipment was not returned and
74 include the lesser of the cost of repairing or replacing the
75 property or equipment if it has been damaged.

044981 - h729-strike.docx

Published On: 2/7/2012 6:19:27 PM

Amendment No. 1

76 (5) DEMAND FOR RETURN.—Demand for return of overdue
77 property or equipment and for payment of amounts due may be made
78 in person, by hand delivery, ~~or~~ by certified mail, return
79 receipt requested, or by courier service with tracking
80 capability, addressed to the lessee's address shown in the
81 rental contract.

82 (6) NOTICE REQUIRED.—As a prerequisite to prosecution
83 under this section, the following statement must be contained in
84 the agreement under which the owner or person lawfully
85 possessing the property or equipment has relinquished its
86 custody, or in an addendum to that agreement, and the statement
87 must be initialed by the person hiring or leasing the rental
88 property or equipment:

89
90 Failure to return rental property or equipment upon
91 expiration of the rental period and failure to pay all
92 amounts due (including costs for damage to the
93 property or equipment) are evidence of abandonment or
94 refusal to redeliver the property, punishable in
95 accordance with section 812.155, Florida Statutes.

96 (7) THIRD PARTY POSSESSION.—Possession of personal
97 property or equipment by a third party does not alleviate the
98 lessee of his or her obligation to return the personal property
99 or equipment according to the terms stated in the contract by
100 which the property or equipment was leased or rented to the
101 lessee, and is not a defense against failure to return unless
102 the lessee provides the court or property owner with
103 documentation that demonstrates that the personal property or

044981 - h729-strike.docx

Published On: 2/7/2012 6:19:27 PM

Amendment No. 1

104 equipment was obtained without the lessee's consent.

105 (8) REPORTING VEHICLE AS STOLEN.—A lessor of a vehicle
106 that is not returned at the conclusion of the lease who
107 satisfies the requirements of this section regarding the vehicle
108 is entitled to report the vehicle as stolen to a law enforcement
109 agency and have the vehicle listed as stolen on any local or
110 national registry of such vehicles.

111 Section 2. This act shall take effect July 1, 2012.

112
113
114

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

116 Remove the entire title and insert:

117 An act relating to hiring, leasing, or obtaining personal
118 property or equipment with the intent to defraud; amending s.
119 812.155, F.S.; providing that in a prosecution, failing to
120 redeliver property or equipment within a specified time after
121 receiving the demand for return from a courier service with
122 tracking capability or by certified mail, return receipt
123 requested, or within a specified time after delivery by the
124 courier service or return receipt from the certified mailing of
125 the demand for return, is prima facie evidence of abandonment or
126 refusal to redeliver the property or equipment; providing that
127 notice mailed by delivery by courier with tracking capability to
128 the address given by the renter at the time of the rental is
129 sufficient and equivalent to notice having been received by the
130 renter, if the notice is returned undelivered; providing that in
131 a prosecution for failing to pay any amount due which is

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 729 (2012)

Amendment No. 1

132 incurred as the result of the failure to redeliver property or
133 equipment after the rental period expires, and after the demand
134 for return is made, is prima facie evidence of abandonment or
135 refusal to redeliver the property or equipment; providing that a
136 demand for return of overdue property or equipment and for
137 payment of amounts due may be made by courier service with
138 tracking capability; providing that possession of personal
139 property or equipment by a third party does not alleviate the
140 lessee of his or her obligation to return the personal property
141 or equipment according to the terms stated in the contract;
142 providing an exception when the personal property or equipment
143 was obtained without the lessee's consent; providing that a
144 lessor of a vehicle that is not returned at the conclusion of a
145 lease is entitled to report the vehicle as stolen to a law
146 enforcement agency and have the vehicle listed as stolen on any
147 local or national registry of such vehicles; providing an
148 effective date.

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 823 : Florida Uniform Principal and Income Act

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

CS/HB 823

Edenfield, Martha (Lobbyist) - Waive In Support

Real Property, Probate & Trust Law Section

c/o The Florida Bar 651 E Jefferson St

Tallahassee FL 32399

Phone: (850)222-3533

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

HB 851 : Natural Guardians

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

HB 851

Adams, Howard "Gene" (Lobbyist) - Waive In Support
Real Property, Probate and Trust Law Section of the Florida Bar
215 S Monroe St
Tallahassee FL 32301
Phone: 850-222-3533

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 935 : Child Support Enforcement

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 1001 : Timeshares

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 16		Total Nays: 0			

CS/HB 1001 Amendments

Amendment 170973

Adopted Without Objection

Amendment 214569

Adopted Without Objection

Amendment 317493

Adopted Without Objection

Amendment 733261

Adopted Without Objection

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 1001 : Timeshares (continued)

Appearances:

CS/HB 1001

Hunter, Gary (Lobbyist) - Waive In Support
American Resort Development Association
201 S Orange Ave Ste 1017
Orlando FL 32801
Phone: (850)222-7500

CS/HB 1001

McRay, Jack (Lobbyist) - Waive In Support
AARP
200 W College Ave Ste 304
Tallahassee FL 32301
Phone: (850)577-5187

CS/HB 1001

Case, Kimberly (Lobbyist) - Waive In Support
Office of the Attorney General
PL-01 The Capitol
Tallahassee FL 32399-1050
Phone: (850)245-0176

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1001 (2012)

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
2-8-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Eisnagle offered the following:

Amendment

5 Remove lines 45-55 and insert:

6 (44) "Resale service provider" means any resale
7 advertiser, or other person or entity, including any agent or
8 employee of such person or entity, who offers or uses
9 ~~unsolicited~~ telemarketing, direct mail, or e-mail, or any other
10 means of communication in connection with the offering of resale
11 brokerage or resale advertising services to consumer owners of
12 timeshare resellers interests. The term does not include
13 developers or, managing entities, or exchange companies to the
14 extent they offer resale brokerage or resale advertising
15 services to owners of timeshare interests in their own timeshare
16 plans or members of their own exchange programs;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1001 (2012)

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
2-8-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Eisnaugle offered the following:

3
4 **Amendment**

5 Remove lines 98-101 and insert:

6 (b) A developer or managing entity to the extent that any
7 of them offers resale advertising services to owners of
8 timeshare interests in their own timeshare plans; or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1001 (2012)

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
2.8.12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Eisnaugle offered the following:

4 **Amendment**

5 Remove lines 177-182 and insert:
6 consumer timeshare reseller either: (1) the ratio or percentage
7 of all the timeshare interests that have resulted in a sale
8 versus the number of timeshare interests advertised for sale by
9 the resale advertiser for each of the previous 2 calendar years
10 if the statement or implication is about a sale or sales; or (2)
11 the ratio or percentage of all the timeshare interests that have
12 actually resulted in a rental versus the number of timeshare
13 interests advertised for rental by the resale advertiser for
14 each of the previous 2 calendar years if the statement or
15 implication is about a rental or rentals.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1001 (2012)

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
2-8-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Eisnaugle offered the following:

3
4 **Amendment**

5 Remove lines 260-276 and insert:

6 (g) Fail to honor any cancellation notice sent from the
7 consumer timeshare reseller within 10 days after the date the
8 consumer timeshare reseller signs the contract for resale
9 advertising services in compliance with subparagraph (f)3.

10 (h) Fail to provide a full refund of all money paid by a
11 consumer timeshare reseller within 20 days after receipt of
12 notice of cancellation or within 5 days after receipt of funds
13 from a cleared check, whichever is later.

14 (3) If a resale service provider uses a contract for
15 resale advertising services that fails to comply with subsection
16 (2), such contract shall be voidable at the option of the
17 consumer timeshare reseller for a period of 1 year after the
18 date it is executed by the consumer timeshare reseller.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1001 (2012)

Amendment No. 4

19 (4) Notwithstanding obligations placed upon any other
20 persons by this section, it is the duty of a resale service
21 provider to supervise, manage, and control all aspects of the
22 offering of resale advertising .

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 1081 : Controlled Substances

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 1175 : Controlled Substances

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager	X				
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 14		Total Nays: 0			

CS/HB 1175 Amendments

Amendment 007403

Adopted Without Objection

Appearances:

CS/HB 1175

Case, Kimberly (Lobbyist) - Waive In Support
Office of the Attorney General
PL-01 The Capitol
Tallahassee FL 32399-1050
Phone: (850)245-0176

CS/HB 1175

Gran, Jill (Lobbyist) - Waive In Support
Florida Alcohol and Drug Abuse Association
2868 Mahan Dr
Tallahassee FL 32308
Phone: 850-251-8988

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 1175 : Controlled Substances (continued)

Appearances: (continued)

CS/HB 1175

Woliner, MD, Kenneth (General Public) - Waive In Support

8953 NW 53rd Manor

Coral Springs FL 33067

Phone: 954-770-6009

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1175 (2012)

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
2-8-12*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Ingram offered the following:

3
4 **Amendment**

5 Remove lines 481-488 and insert:
6 less of a controlled substance described in s. 893.03(1)(c)46.-
7 50. and 114.-142., the person commits a misdemeanor of the first
8 degree, punishable as provided in s. 775.082 or s. 775.083. For
9 the purposes of this subsection, "cannabis" does not include the
10 resin extracted from the plants of the genus *Cannabis*, or any
11 compound manufacture, salt, derivative, mixture, or preparation
12 of such resin, and a controlled substance described in s.
13 893.03(1)(c)46.-50. and 114.-142. does not include the substance
14 in a powdered
15

COMMITTEE MEETING REPORT

Judiciary Committee

2/8/2012 8:30:00AM

Location: 404 HOB

CS/HB 1331 : Property Fraud

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager			X		
Gayle Harrell	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo			X		
Ray Pilon			X		
Ari Porth	X				
Elaine Schwartz			X		
Darren Soto	X				
Richard Steinberg	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 08, 2012 1:09:59PM