



Civil Justice Subcommittee

Wednesday, March 23, 2011

8:00 AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**Eric Eisnaugle
Chair**

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Wednesday March 23, 2011 08:00 am

HB 703	Favorable With Committee Substitute	Yeas: 12	Nays: 0
CS/HB 967	Favorable With Committee Substitute	Yeas: 9	Nays: 6
HB 1019	Favorable	Yeas: 9	Nays: 5
HB 1237	Favorable With Committee Substitute	Yeas: 12	Nays: 0

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

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

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

HB 703 : Liability of Spaceflight Entities

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 703

Sharkey, Jeffrey (Lobbyist) - Waive In Support

Space Exploration Technologies

1 Rocket Rd

Hawthorne CA 90250

Phone: (850)224-1660

HB 703

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 703

Snow, Chris (Lobbyist) - Waive In Support

Director of Government Relations, Space Florida

1580 Waldo Palmer Lane

Tallahassee FL 32301

Phone: 321-474-9754

HB 703

Gonzalez, Jose (Lobbyist) - Waive In Support

Associated Industries of Florida

PO Box 784

Tallahassee FL 32302

Phone: (850)224-7173

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 703 (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
3-23-11*

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

4 **Amendment (with title amendment)**

5 Remove line 23 and insert:

6 spaceflight activities. This also includes any manufacturer or
7 supplier of components, services, or vehicles that have been
8 reviewed by the United States Federal Aviation Administration as
9 part of issuing such a license, permit, or authorization.

13 -----
14 **T I T L E A M E N D M E N T**

15 Remove line 3 and insert:

16 amending s. 331.501, F.S.; providing immunity from liability for
17 certain manufacturers or suppliers; saving a provision from
18 future

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

CS/HB 967 : Personal Injury Protection Insurance

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: 9		Total Nays: 6			

Appearances:

CS/HB 967

Ulrich, Kyle (Lobbyist) - Waive In Support
Florida Association of Insurance Agents
3159 Shamrock S
Tallahassee FL 32309
Phone: (850)893-4155

CS/HB 967

Webb, Katherine (Lobbyist) - Waive In Support
Property Casualty Insurers Association Of America
215 S Monroe st Ste 815
Tallahassee FL 32301
Phone: (850)577-0398

CS/HB 967

Dughi, Leslie (Lobbyist) - Waive In Support
Enterprise Leasing Company of Florida, LLC
5105 Johnson Rd
Coconut Creek FL 33073
Phone: (850)222-6891

CS/HB 967

Scott, Jeffery (Lobbyist) - Waive In Opposition
Florida Medical Association
PO Box 10269
Tallahassee FL 32302
Phone: (850)224-6496

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

CS/HB 967

Winn, Stephen (Lobbyist) - Waive In Opposition

Florida Osteopathic Medical Association

2007 Apalachee Pky

Tallahassee FL 32301

Phone: (850)878-7463

CS/HB 967

Lambert, Paul (Lobbyist) - Opponent

Florida Chiropractic Association, Inc

30 Remington Rd

Orlando FL 34748

Phone: (850)224-9393

CS/HB 967

Stander, William (Lobbyist) - Waive In Support

Property Casualty Insurers Association Of America

2600 River Rd

Des Plaines IL 60018

Phone: (850)681-2615

CS/HB 967

Reeves, Teye (Lobbyist) - Waive In Support

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee FL

Phone: 850-521-1235

CS/HB 967

Carlson, Michael (Lobbyist) - Waive In Support

Executive Director, Personal Insurance Federation of Florida

215 S. Monroe Street, Suite 835

Tallahassee FL 32311

Phone: 850-544-9576

CS/HB 967

Kile, Russ (General Public) - Waive In Support

SIU Section Manager, State Farm Insurance

5404 Cypress Center Drive, Suite 200

Tampa FL 33609

Phone: 813-868-9327

CS/HB 967

Large, William (Lobbyist) - Waive In Support

Florida Justice Reform Institute

210 S Monroe St

Tallahassee FL 32301-1824

Phone: (850)222-0170

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

CS/HB 967

Heath, Robert (General Public) - Opponent

Florida Justice Association

423 N Baylor Street

Pensacola FL 32501

Phone: 850-466-3888

CS/HB 967

Hart, Joe (Lobbyist) - Waive In Opposition

Florida Dental Association

1111 E Tennessee St

Tallahassee FL 32308

Phone: (850)224-1089

CS/HB 967

Klausman, Glenn (General Public) - Opponent

890 St. Rd 434 N

Altamonte Springs FL 32714

Phone: 407-788-2949

CS/HB 967

Delegal, Mark (Lobbyist) - Proponent

State Farm Mutual Automobile Insurance Company

One State Farm Plaza

Bloomington IL 61710

Phone: (850)222-3533

CS/HB 967

Mayer, Ashley (State Employee) - Proponent

Director, Legal Affairs, Florida Department of Financial Services

Capitol

Tallahassee FL 32399

Phone: 850-413-2863

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 967 (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
3-23-11*

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

3

4 **Amendment**

5 Remove lines 170-176 and insert:

6 f. For all other medical services, ~~supplies, and care,~~ 200
7 percent of the allowable amount under the participating
8 physicians schedule of Medicare Part B. For all other supplies
9 and care, including durable medical equipment and care and
10 services rendered by ambulatory surgical centers and by clinical
11 laboratories, 200 percent of the allowable amount under Medicare
12 Part B. However, if such services, supplies, or care is not
13 reimbursable under Medicare Part B, the insurer may limit

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-23-11*

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

Amendment

Remove lines 354-364 and insert:

subsections (10) and (15) and except that any attorney's fees recovered are limited to the lesser of \$200 per billable hour or:

(a) For any disputed amount of less than \$500, fifteen times any disputed amount recovered by the attorney under ss. 627.730-627.7405, limited to a total of \$5,000;

(b) For any disputed amount of \$500 or more and less than \$5,000, ten times any disputed amount recovered by the attorney under ss. 627.730-627.7405, limited to a total of \$10,000; or

(c) For any disputed amount of \$5,000 or more and up to \$10,000, five times any disputed amount recovered by the attorney under ss. 627.730-627.7405, limited to a total of \$15,000.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 967 (2011)

Amendment No. 2

19 (17) CLASS ACTIONS.—Attorney's fees in a class action
20 under ss. 627.730-627.7405 are limited to the lesser of \$50,000
21 or three times the total of any disputed amount recovered in the
22 class action proceeding.

23 (18) ATTORNEY'S FEES.—Notwithstanding s. 627.428, the
24 attorney's fees recovered under ss. 627.730-627.7405 shall be
25 calculated without regard to any contingency risk multiplier.

26 (19) ARBITRATION.—In order to provide for an expedited,

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

*Favorable
3-23-11*

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

Amendment

5 Remove lines 384-414 and insert:

6 arbitrator. The Department of Financial Services shall adopt by
7 rule procedures to implement this arbitration program including:

8 1. Reasonable requirement for processing and scheduling of
9 requests for arbitration;

10 2. Qualifications of arbitrators;

11 3. Selection of arbitrators;

12 4. Fees charged by arbitrators; and

13 5. Criteria for conduct of arbitration.

14 (d)1. The claimant shall make available for inspection or
15 copying the medical and other records on which the claimant
16 intends to rely at arbitration, upon written request by the
17 insurer or his or her attorney, within 15 days after receipt of
18 such request.

Amendment No. 3

20 2. The insurer shall make available for inspection or
21 copying all documents, records, or information upon which it is
22 relying in adjusting or rejecting the claim, upon written
23 request by the claimant or his or her attorney, within 10 days
24 after receipt of such request.

25 3. Discovery of insurer documents, records, or information
26 shall be limited to those relating to insurance coverage. The
27 insurer is not required to produce claims-privileged items,
28 underwriting files, or documents that it does not intend to rely
29 on at arbitration.

30 4. There shall be no discovery relating to general claims-
31 handling practices.

32 (e) The decision of the arbitrator shall be set forth in
33 writing and furnished to each party within 30 days after the
34 arbitration. The decision shall be binding on each party unless
35 challenged pursuant to paragraph (g). An arbitration award may
36 not exceed the applicable limits of coverage remaining on the
37 policy.

38 (f) The claimant is entitled to reimbursement of
39 attorney's fees directly associated with the arbitration,
40 subject to subsection (8). The award of fees must be set forth
41 in the arbitration decision. The insurer is responsible for
42 payment of the arbitrator fees and expenses, court reporter fees
43 and any facility fees associated with the arbitration
44 proceedings. All costs and other expenses incurred during the
45 preparation, discovery and arbitration proceedings shall be paid
46 by the parties incurring the expenses.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 967 (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		

*Point of Order -
Germanity, Rule 12.8
3.23.11*

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 627.4137,
Florida Statutes, to read:

627.4137 Disclosure of certain information required.-

(3) Any request made to a self-insured corporation under
this section must be sent via United States certified mail to
the registered agent of the disclosing entity.

Section 2. Paragraph (a) of subsection (5) of section
627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits;
exclusions; priority; claims.-

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.-

(a)1. Any physician, hospital, clinic, or other person or
institution lawfully rendering treatment to an injured person
for a bodily injury covered by personal injury protection

Amendment No. 4

20 insurance may charge the insurer and injured party only a
21 reasonable amount pursuant to this section for the services and
22 supplies rendered, and the insurer providing such coverage may
23 pay for such charges directly to such person or institution
24 lawfully rendering such treatment, if the insured receiving such
25 treatment or his or her guardian has countersigned the properly
26 completed invoice, bill, or claim form approved by the office
27 upon which such charges are to be paid for as having actually
28 been rendered, to the best knowledge of the insured or his or
29 her guardian. In no event, however, may such a charge be in
30 excess of the amount the person or institution customarily
31 charges for like services or supplies. With respect to a
32 determination of whether a charge for a particular service,
33 treatment, or otherwise is reasonable, consideration may be
34 given to evidence of usual and customary charges and payments
35 accepted by the provider involved in the dispute, and
36 reimbursement levels in the community and various federal and
37 state medical fee schedules applicable to automobile and other
38 insurance coverages, and other information relevant to the
39 reasonableness of the reimbursement for the service, treatment,
40 or supply.

41 2. The insurer may limit reimbursement to 80 percent of the
42 following schedule of maximum charges:

43 a. For emergency transport and treatment by providers
44 licensed under chapter 401, 200 percent of Medicare.

45 b. For emergency services and care provided by a hospital
46 licensed under chapter 395, 75 percent of the hospital's usual
47 and customary charges.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 967 (2011)

Amendment No. 4

48 c. For emergency services and care as defined by s.
49 395.002(9) provided in a facility licensed under chapter 395
50 rendered by a physician or dentist, and related hospital
51 inpatient services rendered by a physician or dentist, the usual
52 and customary charges in the community.

53 d. For hospital inpatient services, other than emergency
54 services and care, 200 percent of the Medicare Part A
55 prospective payment applicable to the specific hospital
56 providing the inpatient services.

57 e. For hospital outpatient services, other than emergency
58 services and care, 200 percent of the Medicare Part A Ambulatory
59 Payment Classification for the specific hospital providing the
60 outpatient services.

61 f. For all other medical services, supplies, and care,
62 including durable medical equipment and care and services
63 rendered by clinical laboratories, 200 percent of ~~the allowable~~
64 ~~amount under the~~ non-facility price under Medicare Part B
65 Participating Physician Fee Schedule ~~participating physicians~~
66 ~~schedule of Medicare Part B~~. However, if such services,
67 supplies, or care is not reimbursable under Medicare Part B, the
68 insurer may limit reimbursement to 80 percent of the maximum
69 reimbursable allowance under workers' compensation, as
70 determined under s. 440.13 and rules adopted thereunder which
71 are in effect at the time such services, supplies, or care is
72 provided. Services, supplies, or care that is not reimbursable
73 under Medicare or workers' compensation is not required to be
74 reimbursed by the insurer.

Amendment No. 4

75 3. For purposes of subparagraph 2., the applicable fee
76 schedule ~~or payment limitation~~ under Medicare is the fee
77 schedule that was or payment limitation in effect as of January
78 1 of the year in which ~~at the time~~ the services, supplies, or
79 care was rendered and for the area in which such services were
80 rendered and shall apply throughout the remainder of the year,
81 notwithstanding any subsequent changes made to such fee
82 schedule, except that it may not be less than the Medicare Part
83 B Participating Physician Fee Schedule allowable amount under
84 ~~the participating physicians schedule of Medicare Part B~~ for
85 2007 for medical services, supplies, and care subject to
86 Medicare Part B.

87 4. Subparagraph 2. does not allow the insurer to apply any
88 limitation on the number of treatments or other utilization
89 limits or any payment limitations that apply under Medicare or
90 workers' compensation. An insurer that applies the allowable
91 payment limitations of subparagraph 2. must reimburse a provider
92 who lawfully provided care or treatment under the scope of his
93 or her license, regardless of whether such provider would be
94 entitled to reimbursement under Medicare due to restrictions or
95 limitations on the types or discipline of health care providers
96 who may be reimbursed for particular procedures or procedure
97 codes.

98 5. If an insurer limits payment as authorized by
99 subparagraph 2., the person providing such services, supplies,
100 or care may not bill or attempt to collect from the insured any
101 amount in excess of such limits, except for amounts that are not

Amendment No. 4

102 covered by the insured's personal injury protection coverage due
103 to the coinsurance amount or maximum policy limits.

104 Section 3. Subsection (1) of section 316.066, Florida
105 Statutes, is amended to read:

106 316.066 Written reports of crashes.—

107 (1) (a) A Florida Traffic Crash Report, Long Form, must ~~is~~
108 ~~required to~~ be completed and submitted to the department within
109 10 days after ~~completing~~ an investigation is completed by every
110 law enforcement officer who in the regular course of duty
111 investigates a motor vehicle crash:

112 1. That resulted in death of, ~~or~~ personal injury to, ~~or~~
113 any indication of complaints of pain or discomfort by any of the
114 parties or passengers involved in the crash;

115 2. That involved on or more passengers, other than the
116 drivers of the vehicles, in any of the vehicles involved in the
117 crash;—

118 3.2. ~~That involved a violation of s. 316.061(1) or s.~~
119 ~~316.193; or—~~

120 4.3. ~~In which a vehicle was rendered inoperative to a~~
121 ~~degree that required a wrecker to remove it from traffic, if~~
122 ~~such action is appropriate, in the officer's discretion.~~

123 (b) The long form must include:

124 1. The date, time, and location of the crash.

125 2. A description of the vehicles involved.

126 3. The names and addresses of the parties involved.

127 4. The names and addresses of witnesses.

128 5. The name, badge number, and law enforcement agency of
129 the officer investigating the crash.

Amendment No. 4

130 6. The names of the insurance companies for the respective
131 parties involved in the crash.

132 7. The names and addresses of all passengers in all
133 vehicles involved in the crash, each clearly identified as being
134 a passenger, including the identification of the vehicle in
135 which each was a passenger.

136 (c)(b) In every crash for which a Florida Traffic Crash
137 Report, Long Form, is not required by this section, the law
138 enforcement officer may complete a short-form crash report or
139 provide a short-form crash report to be completed by each party
140 involved in the crash. The short-form report must include all of
141 the items listed in subparagraphs (b)1.-6. Short-form crash
142 reports prepared by the law enforcement officer shall be
143 maintained by the officer's agency.+

144 ~~1. The date, time, and location of the crash.~~

145 ~~2. A description of the vehicles involved.~~

146 ~~3. The names and addresses of the parties involved.~~

147 ~~4. The names and addresses of witnesses.~~

148 ~~5. The name, badge number, and law enforcement agency of~~
149 ~~the officer investigating the crash.~~

150 ~~6. The names of the insurance companies for the respective~~
151 ~~parties involved in the crash.~~

152 (d)(e) Each party to the crash must shall provide the law
153 enforcement officer with proof of insurance, which must to be
154 included in the crash report. If a law enforcement officer
155 submits a report on the accident, proof of insurance must be
156 provided to the officer by each party involved in the crash. Any
157 party who fails to provide the required information commits a

Amendment No. 4

158 noncriminal traffic infraction, punishable as a nonmoving
159 violation as provided in chapter 318, unless the officer
160 determines that due to injuries or other special circumstances
161 such insurance information cannot be provided immediately. If
162 the person provides the law enforcement agency, within 24 hours
163 after the crash, proof of insurance that was valid at the time
164 of the crash, the law enforcement agency may void the citation.

165 ~~(e)~~ ~~(d)~~ The driver of a vehicle that was in any manner
166 involved in a crash resulting in damage to any vehicle or other
167 property in an amount of \$500 or more, which crash was not
168 investigated by a law enforcement agency, shall, within 10 days
169 after the crash, submit a written report of the crash to the
170 department or traffic records center. The entity receiving the
171 report may require witnesses of the crash ~~crashes~~ to render
172 reports and may require any driver of a vehicle involved in the
173 ~~a crash of which a written report must be made as provided in~~
174 ~~this section~~ to file supplemental written reports if ~~whenever~~
175 the original report is deemed insufficient by the receiving
176 entity.

177 (f) The investigating law enforcement officer may testify
178 at trial or provide a signed affidavit to confirm or supplement
179 the information included on the long-form report.

180 ~~(e) Short form crash reports prepared by law enforcement~~
181 ~~shall be maintained by the law enforcement officer's agency.~~

182 Section 4. Paragraphs (f) and (g) of subsection (4) of
183 section 400.9905, Florida Statutes, are amended to read:

184 400.9905 Definitions.—

Amendment No. 4

185 (4) "Clinic" means an entity at which health care services
186 are provided to individuals and which tenders charges for
187 reimbursement for such services, including a mobile clinic and a
188 portable equipment provider. For purposes of this part, the term
189 does not include and the licensure requirements of this part do
190 not apply to:

191 (f) A sole proprietorship, group practice, partnership, ~~or~~
192 corporation, or other legal entity that provides health care
193 services by practitioners licensed under chapter 458, chapter
194 459, chapter 461, chapter 466, or chapter 460 and subject to the
195 limitations of s. 460.4167 ~~physicians covered by s. 627.419,~~
196 that is directly supervised by one or more of such physicians or
197 physician assistants, and that is wholly owned by one or more of
198 those physicians or physician assistants or by a physician or
199 physician assistant or ~~and~~ the spouse, parent, child, or sibling
200 of that physician or physician assistant. A certificate of
201 exemption is valid only for the entity, persons, and location
202 for which it was originally issued.

203 (g) A sole proprietorship, group practice, partnership, or
204 corporation that provides health care services by licensed
205 health care practitioners under chapter 457, chapter 458,
206 chapter 459, ~~chapter 460, chapter 461,~~ chapter 462, chapter 463,
207 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
208 chapter 490, chapter 491, or part I, part III, part X, part
209 XIII, or part XIV of chapter 468, or s. 464.012, which are
210 wholly owned by one or more licensed health care practitioners,
211 or the licensed health care practitioners set forth in this
212 paragraph and the spouse, parent, child, or sibling of a

Amendment No. 4

213 licensed health care practitioner, so long as one of the owners
214 who is a licensed health care practitioner is directly
215 supervising the health care services ~~business activities~~ and is
216 legally responsible for the entity's compliance with all federal
217 and state laws. However, a health care practitioner who is a
218 supervising owner may not supervise services beyond the scope of
219 the practitioner's license, except that, for the purposes of
220 this part, a clinic owned by a licensee in s. 456.053(3)(b) that
221 provides only services authorized pursuant to s. 456.053(3)(b)
222 may be supervised by a licensee specified in s. 456.053(3)(b).
223 A certificate of exemption is valid only for the entity,
224 persons, and location for which it was originally issued.

225 Section 5. Subsection (6) is added to section 400.991,
226 Florida Statutes, to read:

227 400.991 License requirements; background screenings;
228 prohibitions.-

229 (6) All forms that constitute part of the application for
230 licensure or exemption from licensure under this part must
231 contain the following statement:

232
233 INSURANCE FRAUD NOTICE.-Submitting a false,
234 misleading, or fraudulent application or other
235 document when applying for licensure as a health care
236 clinic, when seeking an exemption from licensure as a
237 health care clinic, or when demonstrating compliance
238 with part X of chapter 400, Florida Statutes, is a
239 criminal act under s. 817.234, Florida Statutes, or a
240 fraudulent insurance act as defined in s. 626.989,

Amendment No. 4

241 Florida Statutes, subject to investigation by the
242 Division of Insurance Fraud, and is grounds for
243 discipline by the appropriate licensing board of the
244 Florida Department of Health.

245 Section 6. Paragraph (c) of subsection (7) of section
246 817.234, Florida Statutes, is amended, present subsection (12)
247 of that section is renumbered as subsection (13), and a new
248 subsection (12) is added to that section, to read:

249 817.234 False and fraudulent insurance claims.—

250 (7)

251 (c) An insurer, or any person acting at the direction of
252 or on behalf of an insurer, may not change an opinion in a
253 mental or physical report prepared under s. 627.736(7) or direct
254 the physician preparing the report to change such opinion;
255 however, this provision does not preclude the insurer from
256 calling to the attention of the physician errors of fact in the
257 report based upon information in the claim file. Any person who
258 violates this paragraph commits a felony of the third degree,
259 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

260 (12) In addition to any criminal liability, a person
261 convicted of violating any provision of this section for the
262 purpose of receiving insurance proceeds from a motor vehicle
263 insurance contract is subject to a civil penalty.

264 (a) Except for a violation of subsection (9), the civil
265 penalty shall be:

266 1. A fine up to \$5,000 for a first offense.

267 2. A fine greater than \$5,000, but not to exceed \$10,000,
268 for a second offense.

Amendment No. 4

269 3. A fine greater than \$10,000, but not to exceed \$15,000,
270 for a third or subsequent offense.

271 (b) The civil penalty for a violation of subsection
272 (9) must be at least \$15,000 but may not exceed \$50,000.

273 (c) The civil penalty shall be paid to the Insurance
274 Regulatory Trust Fund within the Department of Financial
275 Services and used by the department for the investigation and
276 prosecution of insurance fraud.

277 (d) This subsection does not prohibit a state attorney
278 from entering into a written agreement in which the person
279 charged with the violation does not admit to or deny the charges
280 but consents to payment of the civil penalty.

281 Section 7. This act shall take effect upon becoming a law.

282

283

284

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

285
286 Remove the entire title and insert:

287 An act relating to motor vehicle personal injury protection
288 insurance; amending s. 627.4137, F.S.; requiring disclosures to
289 a self-insured corporation be to be sent by certified mail;
290 amending s. 627.736, F.S.; revising a reference to Medicare Part
291 B payments as the schedule for insurers discretionary use when
292 limiting reimbursement of certain medical services, supplies and
293 care; amending s. 316.066, F.S.; revising provisions relating to
294 the contents of written reports of motor vehicle crashes;
295 authorizing the investigating officer to testify at trial or
296 provide an affidavit concerning the content of the reports;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 967 (2011)

Amendment No. 4

297 amending s. 400.9905, F.S; amending definition of "clinic" to
298 include other legal entities; limiting a certificate of
299 exemption to the location where issued; amending s. 400.991,
300 F.S.; requiring that an application for licensure as a mobile
301 clinic include a statement regarding insurance fraud; amending
302 s. 817.234, F.S.; providing civil penalties for criminal acts
303 that result in the unlawful receipt of insurance proceeds from a
304 motor vehicle insurance contract; providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

HB 1019 : Foster Care Providers

Favorable

	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: 9		Total Nays: 5			

Appearances:

HB 1019

Spivey, Stephen (General Public) - Proponent
Circuit Judge (Retired), Kids Central, Inc.
1949 SE 37th Court Circle
Ocala FL 34471
Phone: 352-895-9152

HB 1019

George, Marnie (Lobbyist) - Waive In Support
Youth Villages
106 E College Ave
Tallahassee FL 32301
Phone: 850-510-8866

HB 1019

Barry Krischer (General Public) - Proponent
Children Home Society Board Member
Forest Hill Blvd
West Palm Beach FL 33401
Phone: 561-868-4300

HB 1019

Farmer, Gary (General Public) - Opponent
Florida Justice Association
425 N Andrews Ave, #2
Ft. Lauderdale FL 33301
Phone: 954-524-2820

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

HB 1019

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

HB 1019

Fulmer, Brenda (General Public) - Opponent
3148 San Michele Dr
Palm Beach Gardens FL 33418
Phone: 561-429-5674

HB 1019

Rainey, Jeff (General Public) - Proponent
CEO, Hillborough Kids
16104 Canton Ct
Tampa FL
Phone: 813-225-1105

HB 1019

Nobles, Molly - Waive In Support
Lakeview Center
Pensacola FL 32503

HB 1019

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

HB 1019

Riggins, Derrick (General Public) - Opponent
Statewide Chair, Florida Youth Shine
6775 Timberland Lane
Sarasota FL 34241
Phone: 321-287-9958

HB 1019

Yates, Steve (General Public) - Proponent
Kids Central Board Member
35234 Haines Creek Rd
Leesburg FL 34788
Phone: 352-396-9392

HB 1019

Durso, Joe (General Public) - Waive In Support
Vice President, CBC of Central Florida
117 E Lake Mary Blvd
Sanford FL 32773
Phone: 407-328-3802

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

HB 1019

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 1019

Karim, Judith (At Request Of Chair) - Waive In Support

Child and Family Connections

200 W. College Ave

Tallahassee FL 32301

Phone: (850) 561-1102

HB 1019

Schatt, Becky (General Public) - Waive In Support

Kids Central, Inc., Board Member

1101 SW 43rd Pl

Ocala FL 34471

Phone: 352-804-6352

HB 1019

Griffiths, James (General Public) - Waive In Support

Children's Home Society, Buckner Division, Board Member

3027 San Diego Rd

Jacksonville FL 32207

Phone: 904-631-7723

HB 1019

Everett, Michael (General Public) - Waive In Support

Children's Home Society, Brevard Division, Board Member

510 Sherwood Ave

Satellite Beach FL 32937

Phone: 321-298-1999

HB 1019

Grutza, Jody (General Public) - Waive In Support

Eckerd Youth Alternatives

100 N. Starcrest Dr.

Clearwater FL 33765

Phone: (727) 266-8584

HB 1019

Schuler, Cynthia (General Public) - Waive In Support

CEO, Kids Central

2117 SW Hwy 484

Ocala FL

Phone: 352-843-1758

HB 1019

Connolley, Mark (General Public) - Proponent

101 E Kennedy Blvd

Tampa FL 33602

Phone: 813-229-7600

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM



Council/Committee/Subcommittee on _____

Date _____

*unfavorable
3.23.11*

Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. 1

Bill No. 1019

(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on _____

Solo/ Civil Justice

offered the following amendment:

Amendment

on page 3,5, line(s) 68-70; 123-125;

Remove lines 68-70; 123-125;

Insert the following:

"a minimum of \$1 million per claim \$3 million
per incident"



Council/Committee/Subcommittee on _____

Date _____

Action _____

*Withdrawn
3.23.11*

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. _____

Bill No. 1019

(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on _____

Soto / Civil Justice

offered the following amendment:

Amendment

on page 4, line(s) 93-95; ~~141-170~~

Remove lines 93-95; ~~141-170~~

Insert the following:

"\$1 million per liability claim, and \$100,000
per automobile claim, including, but not



Council/Committee/Subcommittee on _____

Date _____

Action _____

*Withdrawn
3-23-11*

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. _____

Bill No. 1019

(For filing with the Clerk, Council, Committee and Member Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on _____

Soto / Civil Justice

offered the following amendment:

Amendment

on page 6, line(s) 149-150,

Remove lines 149-150

Insert the following:

*" limited to \$1million per liability claim
and \$100,000 per automobile claim"*

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/23/2011 8:00:00AM

Location: 404 HOB

HB 1237 : Legal and Medical Referral Service Advertising

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 1237

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, March 23, 2011 2:18:32PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1237 (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
3-23-11*

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

3

4 **Amendment**

5 Remove line 186 and insert:

6 lawyer advertising, subjects a person to possible criminal
7 penalties and to a civil penalty of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1237 (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	_____	

*favourable
3:23-11*

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

3
4 **Amendment**

5 Remove lines 260-261 and insert:

6 Section 10. After a finding by a court that a person has
7 violated this act, any subsequent knowing