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# **Civil Justice Subcommittee**

**Tuesday, March 8, 2011**

**8:00 AM**

**404 HOB**

**Action Packet**

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

Location: 404 HOB

### Summary:

#### Civil Justice Subcommittee

*Tuesday March 08, 2011 08:00 am*

HB 87	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 241	Favorable With Committee Substitute	Yeas: 11	Nays: 4
HB 423	Favorable With Committee Substitute	Yeas: 15	Nays: 0
HB 479	Favorable With Committee Substitute	Yeas: 12	Nays: 3
HB 4135	Favorable	Yeas: 15	Nays: 0
HB 4137	Favorable	Yeas: 15	Nays: 0

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 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		
<b>Totals:</b>	<b>15</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

Location: 404 HOB

HB 87 : Judicial Opinions

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				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 87

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 87 (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WITHDRAWN \_\_\_\_\_ (Y/N)  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  
3-8-11*

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

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Communication of  
7 Judicial Opinions Act."

8 Section 2. Section 25.079, Florida Statutes, is created to  
9 read:

10 25.079 Opinions having certain holdings; communication to  
11 Governor and Legislature.—

12 (1) This section is specifically intended to facilitate  
13 communication among the three branches of government relating to  
14 the interpretation or constitutionality of Florida law. This  
15 section is not intended to provide to the legislative or  
16 executive branches any powers not granted by the State  
17 Constitution.

18 (2) An opinion rendered by the Supreme Court which:

Amendment No. 1

19       (a) Declares a Florida statute, regulation, or  
20 governmental practice unconstitutional;  
21       (b) Recommends any statutory or regulatory change; or  
22       (c) Finds that the meaning of a statute is unclear,  
23  
24 shall be transmitted by the clerk of the Supreme Court to the  
25 Governor, the President of the Senate, and the Speaker of the  
26 House of Representatives within 30 days after the opinion is  
27 published by the court.

28       Section 3. Section 35.079, Florida Statutes, is created to  
29 read:

30       35.079 Opinions having certain holdings; communication to  
31 Governor and Legislature.-

32       (1) This section is specifically intended to facilitate  
33 communication among the three branches of government relating to  
34 the interpretation or constitutionality of Florida law. This  
35 section is not intended to provide to the legislative or  
36 executive branches any powers not granted by the State  
37 Constitution.

38       (2) An opinion rendered by a district court of appeal  
39 which:

40       (a) Declares a Florida statute, regulation, or  
41 governmental practice unconstitutional;  
42       (b) Recommends any statutory or regulatory change; or  
43       (c) Finds that the meaning of a statute is unclear,  
44  
45 shall be transmitted by the clerk of the district court to the  
46 Governor, the President of the Senate, and the Speaker of the

Amendment No. 1

47 House of Representatives within 30 days after the opinion is  
48 published by the court.

49 Section 4. This act shall take effect July 1, 2011.  
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52 -----

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

54 Remove the entire title and insert:

55 An act relating to communications among the branches of state  
56 government; providing a short title; creating ss. 25.079 and  
57 35.079, F.S.; requiring the clerks of the State Supreme Court  
58 and district courts of appeal to transmit certain judicial  
59 opinions to the Governor, the President of the Senate, and the  
60 Speaker of the House of Representatives within a specified time;  
61 providing an effective date.

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

Location: 404 HOB

HB 241 : Wage Protection

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 Klar		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				
<b>Total Yeas: 11</b>		<b>Total Nays: 4</b>			

### Appearances:

HB 241

Mattingly, Dwight (General Public) - Opponent

Florida Wage Theft Task Force

8907 SE Pine Cone Lane

Hobe Sound FL 33455

Phone: 561-523-0525

HB 241

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 241

Padgett, Samantha (Lobbyist) - Waive In Support

Florida Retail Federation

PO Box 10024

Tallahassee FL 32302-2024

Phone: (850)222-4082

HB 241

Turner, Richard (Lobbyist) - Waive In Support

Florida Restaurant and Lodging Association

230 S Adams St

Tallahassee FL 32302-7710

Phone: (850)224-2250

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM



# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

**Location:** 404 HOB

HB 241

Douglas, Allen (Lobbyist) - Waive In Support  
National Federation of Independent Business  
110 E. Jefferson St.  
Tallahassee FL 32301  
Phone: 850-681-0416

HB 241

Dyga, Peter (Lobbyist) - Waive In Support  
Associated Builders & Contractors Florida East Coast Chapter  
3730 Coconut Creek Pky Ste 200  
Coconut Creek FL 33066  
Phone: (954)984-0075

HB 241

Husband, Warren (Lobbyist) - Waive In Support  
Florida Associated General Contractors Council  
PO Box 10569  
Tallahassee FL 32302  
Phone: (850)205-9000

SB 241

Reeves, Teye (Lobbyist) - Waive In Support  
Florida Chamber of Commerce  
136 S. Bronough Street  
Tallahassee FL  
Phone: 850-521-1235

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 241 (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  
3.8.11*

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

3  
4 **Amendment (with title amendment)**

5 Remove lines 17-41 and insert:

6 (2) For purposes of this section, the term "wage theft"  
7 means the underpayment or nonpayment of wages earned through  
8 lawful employment.

9 (3) The Legislature finds as a matter of public policy  
10 that it is necessary to declare the theft of wages and the  
11 denial of compensation for work completed to be against the laws  
12 and policies of the state.

13 (4) The Legislature finds that employers and employees  
14 benefit from consistent and established standards of laws  
15 related to wage theft and that existing federal and state laws,  
16 including the federal Fair Labor Standards Act of 1938, the  
17 Davis-Bacon Act, the McNamara-O'Hara Service Contract Act of  
18 1965, the Migrant and Seasonal Agricultural Worker Protection  
19 Act, the Contract Work Hours and Safety Standards Act, the

Amendment No. 1

20 Copeland "Anti-kickback" Act, this chapter, and s. 24, Art. X of  
21 the State Constitution protect employees from predatory and  
22 unfair wage practices while also providing appropriate due  
23 process to employers.

24 (5) It is the intent of this section to provide uniform  
25 wage theft laws in the state, to void all ordinances and  
26 regulations relating to wage theft that have been enacted by a  
27 governmental entity other than the state or the Federal  
28 Government, and to prohibit the enactment of any future  
29 ordinance or other local regulation relating to wage theft.

30 (6) This section hereby expressly preempts regulation of  
31 wage theft to the state

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

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Remove line 4 and insert:

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findings and intent; creating a definition; preempting

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regulation of wage theft

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# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

Location: 404 HOB

HB 423 : Mobile Home Park Lot Tenancies

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				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 423

Stewart, Nancy (Lobbyist) - Waive In Support  
Federation of Manufactured Home Owners of Florida, Inc  
4020 Portsmouth Rd  
Largo FL 33771  
Phone: (850)385-7805

HB 423

Killinger, Lori (Lobbyist) - Waive In Support  
Florida Manufactured Housing Association  
2958 Wellington Cir N Ste 100  
Tallahassee FL 32309  
Phone: (850)222-5702

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 423 (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  
3.8.11*

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

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**Amendment (with title amendment)**

Remove line 30 and insert:  
of a local code or ordinance has occurred, the unit of local

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

Remove lines 3-5 and insert:  
creating s. 723.024, F.S.; providing for local code and  
ordinance violations to be cited to the responsible party;

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

Location: 404 HOB

HB 479 : Medical Malpractice

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				
<b>Total Yeas: 12</b>		<b>Total Nays: 3</b>			

### Appearances:

HB 479

Fairley, Marilyn (General Public) - Opponent

222 W Belmont St, #201

Pensacola FL

Phone: 850-221-0353

HB 479

Scott, Jeffery (Lobbyist) - Proponent

Florida Medical Association

PO Box 10269

Tallahassee FL 32302

Phone: (850)224-6496

HB 479

Garvin, Jeff (General Public) - Opponent

7800 University Pointe Dr

Ft. Myers FL 33907

Phone: 239-277-0005

HB 479

Nuland, Christopher (Lobbyist) - Waive In Support

Florida Chapter of the American College of Physicians Services, Inc

2410 Ormsby Cir W

Jacksonville FL 32210

Phone: (904)355-1555

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

**Location:** 404 HOB

HB 479

Marcus Michles (General Public) - Opponent  
Florida Justice Association

HB 479

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

HB 479

Sobel, Ken (General Public) - Opponent  
7460 NW 127 Ter  
Parkland FL 33076  
Phone: 954-249-1078

HB 479

Winn, Stephen (Lobbyist) - Waive In Support  
Florida Osteopathic Medical Association  
2007 Apalachee Pky  
Tallahassee FL 32301  
Phone: (850)878-3056

HB 479

Kuvin, Grant (General Public) - Opponent  
20 N Orange Ave, Suite 1600  
Orlando FL 32801  
Phone: 407-236-5996

HB 479

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

HB 479

Whitley, Scott (General Public) - Opponent  
4315 W Beachway Dr  
Tampa FL 33609  
Phone: 813-835-7110

HB 479

Dudley, Fred (Lobbyist) - Waive In Support  
Florida Society of Ophthalmology  
6816 Southpoint Pky Ste 1000  
Jacksonville FL 32216  
Phone: (850)224-7000

HB 479

Taraska, Joe (General Public) - Opponent  
Lake Mary FL 32746  
Phone: 321-662-8826

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

**Location:** 404 HOB

HB 479

Delegal, Mark (Lobbyist) - Waive In Support  
Safety Net Hospital Alliance of Florida  
101 N Gadsden St  
Tallahassee FL 32301  
Phone: (850)222-3533

HB 479

Knox, Steve (General Public) - Opponent  
20 N Orange Ave, #1600  
Orlando FL 32801  
Phone: 407-420-1414

HB 479

Large, Toni (Lobbyist) - Waive In Support  
Florida Orthopaedic Society  
17503 Mallard Ct  
Lutz FL 33559  
Phone: (850)201-0888

HB 479

Bounds, Clancey (General Public) - Opponent  
222 W Comstock Ave  
Winter Park FL 32789  
Phone: 407-644-5151

Hb 479

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



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  
3.8.11*

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

3  
4 **Amendment (with title amendment)**

5 Remove lines 63-96 and insert:

6 (1) (a) The department shall issue a certificate  
7 authorizing a physician who holds an active and valid license to  
8 practice medicine in another state or a province of Canada to  
9 provide expert testimony in this state, if the physician submits  
10 to the department:

11 1. A complete registration application containing the  
12 physician's legal name, mailing address, telephone number,  
13 business locations, the names of the jurisdictions where the  
14 physician holds an active and valid license to practice  
15 medicine, the license number or other identifying number issued  
16 to the physician by the jurisdiction's licensing entity; and

17 2. An application fee of \$50.

18 (b) The department shall approve an application for an  
19 expert witness certificate within 7 business days after receipt

Amendment No. 1

20 of the completed application and payment of the application fee  
21 if the applicant holds an active and valid license to practice  
22 medicine in another state or a province of Canada and has not  
23 had a previous expert witness certificated revoked by the board.  
24 An application is approved by default if the department does not  
25 act upon the application within the required period. A  
26 physician must notify the department in writing of his or her  
27 intent to rely on a certificate approved by default.

28 (c) An expert witness certificate is valid for 2 years  
29 after the date of issuance.

30 (2) An expert witness certificate authorizes the physician  
31 to whom the certificate is issued to do only the following:

32 (a) Provide a verified written medical expert opinion as  
33 provided in s. 766.203.

34 (b) Provide expert testimony about the prevailing  
35 professional standard of care in connection with medical  
36 negligence litigation pending in this state against a physician  
37 licensed under this chapter or chapter 459.

38 (3) An expert witness certificate does not authorize a  
39 physician to engage in the practice of medicine as defined in s.  
40 458.305. A physician issued a certificate under this section  
41 who does not otherwise practice medicine in this state is not  
42 required to obtain a license under this chapter or pay any  
43 license fees, including, but not limited to, a neurological  
44 injury compensation assessment. An expert witness certificate  
45 shall be treated as a license in any disciplinary action and the  
46 holder of an expert witness certificate shall be subject to  
47 discipline by the board.

Amendment No. 1

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**T I T L E   A M E N D M E N T**

Remove lines 3-11 and insert:

458.3175 and 459.0066, F.S.; requiring the Department of Health  
to issue expert witness certificates to certain physicians  
licensed outside of the state; providing application and  
certification requirements; establishing application fees;  
providing for the validity and use of certifications; exempting  
physicians issued certifications from certain licensure and fee  
requirements; amending ss. 458.331 and 459.015, F.S.;

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  
3-8-11*

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

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**Amendment (with title amendment)**

Remove lines 147-180 and insert:

(1) (a) The department shall issue a certificate authorizing a physician who holds an active and valid license to practice osteopathic medicine in another state or a province of Canada to provide expert testimony in this state, if the physician submits to the department:

1. A complete registration application containing the physician's legal name, mailing address, telephone number, business locations, the names of the jurisdictions where the physician holds an active and valid license to practice osteopathic medicine, the license number or other identifying number issued to the physician by the jurisdiction's licensing entity; and

2. An application fee of \$50.

Amendment No. 2

19       (b) The department shall approve an application for an  
20 expert witness certificate within 7 business days after receipt  
21 of the completed application and payment of the application fee  
22 if the applicant holds an active and valid license to practice  
23 osteopathic medicine in another state or a province of Canada  
24 and has not had a previous expert witness certificated revoked  
25 by the board. An application is approved by default if the  
26 department does not act upon the application within the required  
27 period. A physician must notify the department in writing of  
28 his or her intent to rely on a certificate approved by default.

29       (c) An expert witness certificate is valid for 2 years  
30 after the date of issuance.

31       (2) An expert witness certificate authorizes the physician  
32 to whom the certificate is issued to do only the following:

33       (a) Provide a verified written medical expert opinion as  
34 provided in s. 766.203.

35       (b) Provide expert testimony about the prevailing  
36 professional standard of care in connection with medical  
37 negligence litigation pending in this state against a physician  
38 licensed under chapter 458 or this chapter.

39       (3) An expert witness certificate does not authorize a  
40 physician to engage in the practice of osteopathic medicine as  
41 defined in s. 459.003. A physician issued a certificate under  
42 this section who does not otherwise practice osteopathic  
43 medicine in this state is not required to obtain a license under  
44 this chapter or pay any license fees, including, but not limited  
45 to, a neurological injury compensation assessment. An expert  
46 witness certificate shall be treated as a license in any

Amendment No. 2

47 disciplinary action and the holder of an expert witness  
48 certificate shall be subject to discipline by the board.

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**T I T L E   A M E N D M E N T**

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Remove lines 3-11 and insert:

54

458.3175 and 459.0066, F.S.; requiring the Department of Health  
55 to issue expert witness certificates to certain physicians  
56 licensed outside of the state; providing application and  
57 certification requirements; establishing application fees;  
58 providing for the validity and use of certifications; exempting  
59 physicians issued certifications from certain licensure and fee  
60 requirements; amending ss. 458.331 and 459.015, F.S.;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 479 (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  
3-8-11*

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

4 **Amendment (with title amendment)**

5 Remove line 305 and insert:

6 evidence in any medical negligence action. However, the  
7 discovery of the

10 -----  
11 **T I T L E A M E N D M E N T**

12 Remove line 32 and insert:

13 evidence in medical negligence actions; requiring that certain  
14 expert

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 479 (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  
3-8-11*

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

3

4 **Amendment**

5 Remove lines 478-479 and insert:

6 A prospective defendant or his or her legal representative may  
7 interview the claimant's treating health care



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 479 (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  
3-8-11*

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

4 **Amendment (with title amendment)**

5 Remove lines 122-143 and insert:  
6 subsection.

7 (b) Before formally proposing the rule, the board must  
8 consider information from physicians licensed under this chapter  
9 or chapter 459 regarding recognized specific risks related to  
10 cataract surgery and the standard informed consent forms adopted  
11 for use in the medical field by other states.

12 (c) A patient's informed consent is not executed until the  
13 patient, or a person authorized by the patient to give consent,  
14 and a competent witness sign the form adopted by the board.

15 (d) An incident resulting from recognized specific risks  
16 described in the signed consent form is not considered an  
17 adverse incident for purposes of s. 395.0197 and this section.

18 (e) In a civil action or administrative proceeding against  
19 a physician based on his or her alleged failure to properly

Amendment No. 5

20 disclose the risks of cataract surgery, a patient's informed  
21 consent executed as provided in paragraph (c) on the form  
22 adopted by the board is admissible as evidence and creates a  
23 rebuttable presumption that the physician properly disclosed the  
24 risks.

25 -----

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

27 Remove lines 18-19 and insert:

28 cataract surgery risks;

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  
3-8-11*

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

4 **Amendment (with title amendment)**

5 Remove lines 207-228 and insert:

6 subsection.

7 (b) Before formally proposing the rule, the board must  
8 consider information from physicians licensed under chapter 458  
9 or this chapter regarding recognized specific risks related to  
10 cataract surgery and the standard informed consent forms adopted  
11 for use in the medical field by other states.

12 (c) A patient's informed consent is not executed until the  
13 patient, or a person authorized by the patient to give consent,  
14 and a competent witness sign the form adopted by the board.

15 (d) An incident resulting from recognized specific risks  
16 described in the signed consent form is not considered an  
17 adverse incident for purposes of s. 395.0197 and this section.

18 (e) In a civil action or administrative proceeding against  
19 a physician based on his or her alleged failure to properly

Amendment No. 6

20 disclose the risks of cataract surgery, a patient's informed  
21 consent executed as provided in paragraph (c) on the form  
22 adopted by the board is admissible as evidence and creates a  
23 rebuttable presumption that the physician properly disclosed the  
24 risks.

25 -----

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

27 Remove lines 18-19 and insert:

28 cataract surgery risks;

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

Location: 404 HOB

HB 4135 : District Court Marshals

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
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				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 4135

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

3/8/2011 8:00:00AM

Location: 404 HOB

HB 4137 : Marshal of the Supreme Court

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				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

### Appearances:

HB 4137

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 08, 2011 11:45:29AM