



Civil Justice Subcommittee

February 20, 2013

11:30 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/20/2013 11:30:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Wednesday February 20, 2013 11:30 am

HB 9	Favorable	Yeas: 12	Nays: 0
HB 405	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 089837	Adopted Without Objection	
	Amendment 630163	Adopted Without Objection	
	Amendment 397091	Adopted Without Objection	
HB 587	Favorable With Committee Substitute	Yeas: 8	Nays: 4
	Amendment 001015	Adopted	
PCB CJS 13-03	Favorable	Yeas: 8	Nays: 4

Committee meeting was reported out: Wednesday, February 20, 2013 4:42:29PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/20/2013 11:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Larry Metz (Chair)	X		
Jim Boyd	X		
Michael Clelland	X		
Daniel Davis	X		
Tom Goodson	X		
Bill Hager	X		
Jose Oliva			X
Kathleen Passidomo	X		
José Rodríguez	X		
Ross Spano	X		
Cynthia Stafford	X		
Charlie Stone	X		
James Waldman	X		
Totals:	12	0	1

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COMMITTEE MEETING REPORT

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Location: 404 HOB

HB 9 : Involuntary Examinations under the Baker Act

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva			X		
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

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

Ent, Carrie Beth (General Public) - Proponent
RN, BSN, CCRN
4130 Sugar Bear Drive
Tallahassee FL
Phone: 717-460-1861

Kung, Mai (State Employee) (General Public) - Proponent
ARNPs
3712 Longchamp Cir
Tallahassee FL 32309
Phone: (850) 510-7500

Whittaker, Stan (General Public) - Proponent
FI Council Advance Practice Nurses
66294 NW Torreya Pk Rd
Bristol FL 32321
Phone: (850)545-8301

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

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Location: 404 HOB

HB 405 : Claims of Exemption from Garnishment

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva			X		
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Larry Metz (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 405 Amendments

Amendment 089837

Adopted Without Objection

Amendment 630163

Adopted Without Objection

Amendment 397091

Adopted Without Objection

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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
2.20.13*

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

4 **Amendment**

5 Remove lines 99-102 and insert:

6 hand delivery or U.S. Mail (circle one) on (insert date)
 7 , to: (insert names and addresses of Plaintiff or
 8 Plaintiff's attorney and of Garnishee or Garnishee's attorney to
 9 whom this document was furnished) .

10



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
2-20-12*

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

3

4 **Amendment (with title amendment)**

5 Remove line 117 and insert:

6 (3) Upon the filing by a defendant of a sworn claim of
 7 exemption

8

9

10

11

12

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

13

Between lines 5 and 6, insert:

14 providing a requirement that the defendant provides a sworn
 15 claim of exemption;

16



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
2.20.13*

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

Amendment (with title amendment)

Remove line 121 and insert:

6 answers ~~contests~~ the defendant's claim of exemption within 8 ~~3~~
 7 business

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

Remove line 7 and insert:

file a claim answering a defendant's claim of

COMMITTEE MEETING REPORT

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Location: 404 HOB

HB 587 : Damages for Medical or Health Care Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland		X			
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva			X		
Kathleen Passidomo	X				
José Rodríguez		X			
Ross Spano	X				
Cynthia Stafford		X			
Charlie Stone	X				
James Waldman		X			
Larry Metz (Chair)	X				
Total Yeas: 8		Total Nays: 4			

HB 587 Amendments

Amendment 001015

Adopted

Appearances:

Zak, Paul (General Public) - Opponent
7800 66th St, North, #302
Pinellas Park FL 33781
Phone: 727-548-4880

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

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

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

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Civil Justice Subcommittee

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Location: 404 HOB

HB 587 : Damages for Medical or Health Care Services (continued)

Appearances: (continued)

Reeves, Teye (Lobbyist) - Waive In Support
Associated Industries of Florida
108 S Monroe Street
Tallahassee FL 32301
Phone: 850-681-0024

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

Batarseh, George (General Public) - Waive In Support
Publix Super Market
501 North Galloway Road
Lakeland FL 33802
Phone: 863-680-5384

Meinck, Brad (General Public) - Opponent
CEO, Spine Pain and Orthopedic Injury Center
3165 McMullen Booth Rd
Clearwater FL 33761
Phone: 727-210-2225

Winn, Stephen (Lobbyist) - Waive In Support
Florida Osteopathic Medical Association
2007 Apalachee Pky
Tallahassee FL 32301
Phone: (850)878-7364

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

Diecidue, Frank (General Public) - Opponent
CEO/Owner, Palm Harbor MRI
4880 Dover St NE
St. Petersburg FL 33703
Phone: 727-510-3272

Delegal, Mark (Lobbyist) - Proponent
First Professionals Insurance Company
1000 Riverside Ave Ste 800
Jacksonville FL 32204
Phone: (850)222-3533

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Location: 404 HOB

HB 587 : Damages for Medical or Health Care Services (continued)

Appearances: (continued)

Ligori, Christopher (General Public) - Opponent
117 S Willow Avenue
Tampa FL 33808
Phone: 813-223-2929

Garvin, Jeff (General Public) - Opponent
4280 Cleveland Ave
Ft. Myers FL 33901
Phone: 239-277-0605

Gorrie, Jan (Lobbyist) - Waive In Support
Safety Net Hospital Alliance of Florida
101 N Gadsden St
Tallahassee FL 32301
Phone: (813)222-8139

Brainerd, Jim (Lobbyist) - Waive In Support
Attorney, Polk County
2814 Rabbit Hill Road
Tallahassee FL 32308
Phone: (850)508-6716

Posgay, Matthew (General Public) - Opponent
136 E Bay Street
Jacksonville FL 32202
Phone: 904-356-6071

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



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
2.20.13*

Committee/Subcommittee hearing bill: Civil Justice Subcommittee
Representatives Passidomo and Hood offered the following:

Amendment

Remove lines 40-61 and insert:

in the same geographic area, excluding government entitlement
programs that are not arms' length transactions such as Medicaid
and Medicare. This limitation also applies to any lien or claim
of subrogation asserted for such services in the action, except
for a lien or claim of subrogation described in subsection (4).

(3) Damages for medical or health care services provided
or to be provided to a claimant are recoverable only for those
services determined, by a preponderance of the evidence, to be
medically necessary. If it is determined that any of the
claimant's medical or health care services provided were not
medically necessary, the claimant may not recover damages for
such services or recover from the nonprovider defendant for any
damages arising out of or related to such services. A patient is
not liable to a provider for past medical or health care



Amendment No. 1

20 services rendered if such services were not medically necessary,
21 and nonpayment based on lack of medical necessity may be
22 asserted as an affirmative defense in any action to recover such
23 damages.

24 (4) Notwithstanding any other provision in this section to
25 the contrary, if Medicaid, Medicare, or a payor regulated under
26 the Florida Insurance Code has covered or is an insurer covering
27 the claimant's medical or health care services and has given
28 notice of assertion of a lien or a claim of subrogation for past
29 medical expenses in the action, the amount of the lien or claim
30 of subrogation, plus the amount of any co-payments or
31 deductibles paid or payable by the claimant, shall be the
32 maximum amount recoverable and admissible into

33

34

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

2/20/2013 11:30:00AM

Location: 404 HOB

PCB CJS 13-03 : Judicial Nominating Commissions

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Clelland		X			
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Jose Oliva			X		
Kathleen Passidomo	X				
José Rodríguez		X			
Ross Spano	X				
Cynthia Stafford		X			
Charlie Stone	X				
James Waldman		X			
Larry Metz (Chair)	X				
Total Yeas: 8		Total Nays: 4			

Appearances:

Metz, Stephen (Lobbyist) - Opponent
Florida Bar, The
650 Apalachee Pky
Tallahassee FL 32399-2300
Phone: (850)205-9000

Copeland, Todd (General Public) - Opponent
338 N Magnolia Avenue
Orlando FL 32801
Phone: 407-999-8995

Cole, Robert (General Public) - Opponent
Florida Board of Trial Attorneys (Flabota)
245 Riverside Avenue
Jacksonville FL 32202
Phone: 904-345-5842

Anderson, Paul (General Public) - Opponent
Worker's Comp Section of the Florida Bar
1584 Metropolitan Blvd
Tallahassee FL 32308
Phone: 850-894-3000

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

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