



Civil Justice Subcommittee

March 6, 2013

8:00 AM

404 HOB

Action Packet

**Will Weatherford
Speaker**

**Larry Metz
Chair**

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

Summary:

Civil Justice Subcommittee

Wednesday March 06, 2013 08:00 am

HB 341	Favorable	Yeas: 13 Nays: 0
HB 575	Favorable With Committee Substitute Amendment 804561 Adopted Without Objection	Yeas: 13 Nays: 0
HB 583	Favorable With Committee Substitute Amendment 943083 Adopted Without Objection Amendment 594987 Adopted Without Objection	Yeas: 13 Nays: 0
HB 607	Favorable With Committee Substitute Amendment 012625 Adopted Without Objection	Yeas: 13 Nays: 0
HB 643	Temporarily Deferred	
HB 827	Favorable With Committee Substitute Amendment 126973 Adopted Without Objection Amendment 477211 Withdrawn Amendment 426955 Withdrawn Amendment 008681 Failed to Adopt Amendment 667233 Adopted Without Objection Amendment 320143 Failed to Adopt	Yeas: 9 Nays: 4
HB 869	Favorable Amendment 043197 Failed to Adopt	Yeas: 8 Nays: 5
HB 905	Favorable	Yeas: 13 Nays: 0

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

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:	13	0	0

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 341 : Uninsured Motorist Insurance Coverage

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jim Boyd	X				
Michael Cielland	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: 13		Total Nays: 0			

Appearances:

Bell, Douglas (Lobbyist) - Waive In Support
Progressive Insurance Company
4221 W Boy Scout Blvd Ste 500
Tampa FL 33607-5765
Phone: (850)222-3533

Mask, Trevor (Lobbyist) - Waive In Support
Property Casualty Insurers Association Of America
215 S Monroe St Ste 815
Tallahassee FL 32301
Phone: (954)492-4010

Reeves, Richard (Lobbyist) - Waive In Support
Florida Association of Insurance Agents
3159 Shamrock S
Tallahassee FL 32309
Phone: (850)513-0004

Trafton, James (Lobbyist) - Waive In Support
Florida Farm Bureau Insurance Company
5700 SW 34th St
Gainesville FL 32608
Phone: (850)222-2557

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

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 341 : Uninsured Motorist Insurance Coverage (continued)

Appearances: (continued)

Brainerd, Jim (Lobbyist) - Waive In Support

Florida Association of Insurance Agents

2814 Rabbit Hill Rd

Tallahassee FL 32308

Phone: 850-508-6716

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 575 : Design Professionals

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: 13		Total Nays: 0			

HB 575 Amendments

Amendment 804561

Adopted Without Objection

Appearances:

Daniel, David (Lobbyist) - Waive In Support
Florida Surveying and Mapping Society
311 E Park Avenue
Tallahassee FL 32312
Phone: 850-224-5081

Hebrank, Kari (Lobbyist) - Opponent
Florida Homebuilders Association

Moore, Travis (Lobbyist) - Opponent
Community Associations Institute
931 N:SR 434 #1201-220
Altamonte Springs FL 32714
Phone: (727)421-6902

Jess, Paul (Lobbyist) - Opponent
Florida Justice Association
218 S Monroe St
Tallahassee FL 32301
Phone: (850)224-9403

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 575 : Design Professionals (continued)

Appearances: (continued)

Rudd, Frank (Lobbyist) - Waive In Support
Florida Engineering Society
125 S Gadsden St
Tallahassee FL 32301
Phone: (850)224-7121

Dunbar, Peter (Lobbyist) - Opponent
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Cummings, Andrew (General Public) - Proponent
Principal, Connelly
10060 Skinner Lake Dr, #500
Jacksonville FL 32246
Phone: 904-265-3030

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

Goin, Yeline (Lobbyist) - Opponent
Community Associates Leadership Lobby
204 S Monroe Street, Suite 203
Tallahassee FL 32301
Phone: 850-284-2460

Huey, Mike (Lobbyist) - Proponent
Florida Association of the American Institute of Architects
301 S Bronough St
Tallahassee FL 32301
Phone: 850-577-9090

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM



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
3-6-13*

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

Amendment (with title amendment)

5 Remove lines 18-52 and insert:

6 Section 1. Section 558.0035, Florida Statutes, is created
7 to read:

8 558.0035 Design professionals; contractual limitation on
9 liability.-

10 (1) A design professional employed by a business entity or
11 an agent of the business entity is not individually liable for
12 damages resulting from negligence occurring within the course
13 and scope of a professional services contract if:

14 (a) The contract is made between the business entity and a
15 claimant or with another entity for the provision of
16 professional services to the claimant;

17 (b) The contract does not name an individual employee or
18 agent as a party to the contract;

19 (c) The contract includes a prominent statement, in
20 uppercase font that is at least 5 point sizes larger than the



Amendment No. 1

21 rest of the text, that, pursuant to this section, an individual
22 employee or agent may not be held individually liable for
23 negligence;

24 (d) The business entity maintains any professional
25 liability insurance required under the contract; and

26 (e) Any damages are solely economic in nature and the
27 damages do not extend to persons or property not subject to the
28 contract.

29 (2) As used in this section, the term "business entity"
30 means any corporation, limited liability company, partnership,
31 limited partnership, proprietorship, firm, enterprise,
32 franchise, association, self-employed individual, or trust,
33 whether fictitiously named or not, doing business in this state.

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

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Remove lines 2-11 and insert:

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An act relating to design professionals; creating s. 558.0035,

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F.S.; specifying conditions under which a design professional

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employed by a business entity or an agent of the business entity

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may not be held individually liable for damages resulting from

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negligence occurring within the course and scope of a

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professional services contract; defining the term "business

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entity";

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 583 : Estates

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: 13		Total Nays: 0			

HB 583 Amendments

Amendment 943083

Adopted Without Objection

Amendment 594987

Adopted Without Objection

Appearances:

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, March 06, 2013 2:53:23PM



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	_____	

*amendable
3.6.13*

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

Amendment (with title amendment)

Between lines 42 and 43, insert:

Section 1. Subsection (4) of section 198.13, Florida Statutes, is amended to read:

(4) Notwithstanding any other provisions of this section and applicable to the estate of a decedent who dies after December 31, 2004, if, upon the death of the decedent, a state death tax credit or a generation-skipping transfer credit is not allowable pursuant to the Internal Revenue Code of 1986, as amended:

(a) The personal representative of the estate is not required to file a return under subsection (1) in connection with the estate.

(b) The person who would otherwise be required to file a return reporting a generation-skipping transfer under subsection (3) is not required to file such a return in connection with the estate.



Amendment No. 1

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~~The provisions of this subsection do not apply to estates of decedents dying after December 31, 2012.~~

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

Remove line 2 and insert:

An act relating to estates; amending s. 198.13, F.S.; deleting a provision that provides that certain information relating to a state death tax credit or a generation-skipping transfer credit is not applicable to estates of decedents dying after a specific date; amending s. 717.101, 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
3-6-13*

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

4 **Amendment (with title amendment)**

5 Remove line 66 and insert:

6 instruments.-All intangible property and any income

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

12 Remove line 6 and insert:

13 that intangible property held by fiduciaries under trust

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 607 : Canned or Perishable Food Distributed Free of Charge

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: 13		Total Nays: 0			

HB 607 Amendments

Amendment 012625

Adopted Without Objection

Appearances:

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

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM



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
3.6.13*

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

4 **Amendment (with title amendment)**

5 Remove lines 33-38

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

11 Remove lines 7-9 and insert:
 12 definition; providing an

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 643 : Clerks of Court

Temporarily Deferred

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 827 : Medicine

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: 9		Total Nays: 4			

HB 827 Amendments

Amendment 126973

Adopted Without Objection

Amendment 477211

Withdrawn

Amendment 426955

Withdrawn

Amendment 008681

Failed to Adopt

Amendment 667233

Adopted Without Objection

Amendment 320143

Failed to Adopt

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 827 : Medicine (continued)

Appearances:

Bolin, Andrew (Lobbyist) - Proponent
Florida Justice Reform Institute
201 N Franklin Street, Suite 2900
Tampa FL 33602
Phone: 813-226-3000

Gustafson, Jim (General Public) - Opponent
FJA
1567 Cristobal Drive
Tallahassee FL 32303
Phone: 850-224-7600

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

Telfer, Robert (General Public) - Opponent
253 Minorca Beach Way, #405
New Smyrna Beach FL 32169
Phone: 321-720-3971

Johnson, Carolyn (Lobbyist) - Waive In Support
Policy Director, Florida Chamber of Commerce
136 S Bronough Street
Tallahassee FL 32311
Phone: 850-521-1235

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

Gilbert, Richard (General Public) - Opponent
3317 W Granada St
Tampa FL 33629
Phone: 813-837-1093

Watson, Ronald (Lobbyist) - Waive In Support
Florida Dental Association
118 E. Jefferson St.
Tallahassee FL 32301
Phone: (850) 224-1089

Lawley, Michael (General Public) - Opponent
1735 W Hibiscus Blvd, #200
Melbourne FL 32901
Phone: 321-728-1040

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 827 : Medicine (continued)

Appearances: (continued)

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

Kuvin, Grant (General Public) - Opponent
2907 Lolissa Lane
Winter Park FL 32789
Phone: (407)-810-8084

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

Johns, Carmen (General Public) - Opponent
13727 Richmond Park Drive, N
Jacksonville FL 32224
Phone: 904-386-8950

Andrew, Connie (General Public) - Opponent
3316-196 Terrace
Wellborn FL 32094
Phone: 386-963-5924

Harris, Bob (Lobbyist) - Opponent
Trial Lawyers Section of the Florida Bar
651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-0720

Dukes, Thomas (Lobbyist) - Waive In Support
Florida Justice Reform Institute
108 E Central Blvd
Orlando FL 32801
Phone: 407-423-2408

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

Scott, Jeff (Lobbyist) - Proponent
Florida Medical Association
1430 E. Piedmont Dr.
Tallahassee FL 32308
Phone: (850) 224-6496

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM



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
3-6-13*

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

4 **Amendment**

5 Remove lines 37-53 and insert:

6 Section 1. Paragraph (a) of subsection (7) and subsection
7 (8) of section 456.057, Florida Statutes, is amended to read:

8 456.057 Ownership and control of patient records; report or
9 copies of records to be furnished.—

10 (7)(a) Except as otherwise provided in this section and in
11 s. 440.13(4)(c), such records may not be furnished to, ~~and the~~
12 ~~medical condition of a patient may not be discussed with,~~ any
13 person other than the patient, ~~or~~ the patient's legal
14 representative, or other health care practitioners and providers
15 involved in the patient's care or treatment ~~of the patient,~~
16 except upon written authorization from ~~of~~ the patient. However,
17 such records may be furnished without written authorization
18 under the following circumstances:



Amendment No. 1

19 1. To any person, firm, or corporation that has procured or
20 furnished such care examination or treatment with the patient's
21 consent.

22 2. When compulsory physical examination is made pursuant to
23 Rule 1.360, Florida Rules of Civil Procedure, in which case
24 copies of the medical records shall be furnished to both the
25 defendant and the plaintiff.

26 3. In any civil or criminal action, unless otherwise
27 prohibited by law, upon the issuance of a subpoena from a court
28 of competent jurisdiction and proper notice to the patient or
29 the patient's legal representative by the party seeking such
30 records.

31 4. For statistical and scientific research, provided the
32 information is abstracted in such a way as to protect the
33 identity of the patient or provided written permission is
34 received from the patient or the patient's legal representative.

35 5. To a regional poison control center for purposes of
36 treating a poison episode under evaluation, case management of
37 poison cases, or compliance with data collection and reporting
38 requirements of s. 395.1027 and the professional organization
39 that certifies poison control centers in accordance with federal
40 law.

41 6. To an attorney for the health care practitioner or
42 provider, or to the attorney's staff, for the purpose of
43 obtaining legal services, whether the attorney is hired directly
44 by the practitioner or provider or by his or her insurer.



Amendment No. 1

45 (8) Information disclosed to a health care practitioner or
46 provider by a patient in the course of the care and treatment of
47 such patient is confidential and may be disclosed only:

48 (a) When limited to the proper release of records as
49 provided under subsection (7);

50 (b) To other health care practitioners and providers
51 involved in the care or treatment of the patient;

52 (c) Pursuant to s. 766.105(6)(b)5.;

53 (d) As provided for in the Authorization For Release of
54 Protected Health Information signed by a patient pursuant to s.
55 766.1065;

56 (e) If permitted by written authorization from the patient;

57 (f) If compelled by subpoena at a deposition, evidentiary
58 hearing, or trial for which proper notice has been given;

59 (g) To an attorney for the health care practitioner or
60 provider, or to the attorney's staff, whether the attorney is
61 hired directly by the practitioner or provider or by his or her
62 insurer; or

63 (h) In the context of a medical negligence action or
64 administrative proceeding, if the health care practitioner or
65 provider is, or reasonably expects to be, named as a defendant

66 ~~Except~~

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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	_____	

*Withdrawn
3-6-13*

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

Amendment (with title amendment)

Remove lines 294-296 and insert:

6 Section 5. Section 766.1091, Florida Statutes, is created
7 to read:

8 766.1091 Voluntary binding arbitration; damages.--

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

14 Remove line 26 and insert:

15 representative; creating s. 766.1091, F.S.; permitting



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	_____	

*Withdrawn
3-6-13*

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

Amendment

5 Remove lines 298-300 and insert:
 6 458, chapter 459, chapter 461, or chapter 466; an entity owned
 7 in whole or in 298 part by a health care provider licensed
 8 pursuant to chapter 458, 299 chapter 459, chapter 461, or
 9 chapter 466; or a health care clinic licensed

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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		

*unlawful
3.6.13*

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

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4 **Amendment (with title amendment)**

5 Between lines 321 and 322, insert:

6 Section 7. Subsection (8) of section 768.21, Florida
7 Statutes, is amended to read:

8 768.21 Damages.—All potential beneficiaries of a recovery
9 for wrongful death, including the decedent's estate, shall be
10 identified in the complaint, and their relationships to the
11 decedent shall be alleged. Damages may be awarded as follows:

12 ~~(8) The damages specified in subsection (3) shall not be~~
13 ~~recoverable by adult children and the damages specified in~~
14 ~~subsection (4) shall not be recoverable by parents of an adult~~
15 ~~child with respect to claims for medical negligence as defined~~
16 ~~by s. 766.106(1).~~

17 Section 8. Subsection (7) of section 400.023, Florida
18 Statutes, is amended to read:

19 400.023 Civil enforcement.—



Amendment No. 4

20 (7) An action under this part for a violation of rights or
21 negligence recognized under this part herein is not a claim for
22 medical malpractice, ~~and the provisions of s. 768.21(8) do not~~
23 ~~apply to a claim alleging death of the resident.~~

24 Section 9. Section 400.0235, Florida Statutes, is amended
25 to read:

26 400.0235 ~~Certain provisions not applicable to~~ Actions
27 under this part not medical malpractice claims.—An action under
28 this part for a violation of rights or negligence recognized
29 under this part is not a claim for medical malpractice, ~~and the~~
30 ~~provisions of s. 768.21(8) do not apply to a claim alleging~~
31 ~~death of the resident.~~

32 Section 10. Section 429.295, Florida Statutes, is amended
33 to read:

34 429.295 ~~Certain provisions not applicable to~~ Actions under
35 this part not medical malpractice claims.—An action under this
36 part for a violation of rights or negligence recognized herein
37 is not a claim for medical malpractice, ~~and the provisions of s.~~
38 ~~768.21(8) do not apply to a claim alleging death of the~~
39 ~~resident.~~

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

Remove line 33 and insert:
health care providers; amending s. 768.21, F.S.;
deleting a provision relating to prevention of
recovery of damages for wrongful death by adult
children of a decedent or by parents of an adult child



Amendment No. 4

48 | with respect to claims for medical negligence;
49 | amending ss. 400.023, 400.0235, and 429.295, F.S.;
50 | conforming provisions to changes made by the act;
51 | providing an effective date.



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
3-6-13*

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

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Amendment (with title amendment)

Remove lines 294-309

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

Remove lines 26-30 and insert:
representative;



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	_____	

*unfavorable
3-6-13*

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Rodríguez, J. offered the following:

Amendment (with title amendment)

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

Remove line 2 and insert:

8 An act relating to medical negligence actions; amending s.
 9 456.057

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 869 : Nursing Home Litigation Reform

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: 5			

HB 869 Amendments

Amendment 043197

Failed to Adopt

Appearances:

Watrel, Steve (General Public) - Proponent
6129 Atlantic Blvd
Jacksonville FL 32211
Phone: 904-723-0030

Marshall, Anthony (Lobbyist) - Opponent
Florida Health Care Association
307 W Park Ave
Tallahassee FL 32301
Phone: (850)224-3907

Ullman, Kirsten (General Public) - Proponent
Florida Health Care Association
3812 Coconut Palm Dr
Tampa FL 33619
Phone: 813-739-1900

Devane, Barabara A. (Lobbyist) - Opponent
FL Alliance for Retired Americans
625 E.Brevard St.
Tallahassee FL 32309
Phone: (850) 222-3969

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 869 : Nursing Home Litigation Reform (continued)

Appearances: (continued)

Wright, Melvin (General Public) - Opponent
2060 Roberts Point Dr
Windermere FL 34786
Phone: 407-876-0339

Randle, Tom (Lobbyist) - Waive In Support
Leading Age Florida
1812 Riggins Rd
Tallahassee FL 32308
Phone: 850-671-3700

Christian, David (Lobbyist) - Waive In Support
Vice President, Government Affairs, Florida Chamber of Commerce
136 S Bronough
Tallahassee FL 32301
Phone: 850-521-1211

Burr, Doug (General Public) - Waive In Support
Vice President, Florida Health Care Association
307 W Park Avenue
Tallahassee FL 32301
Phone: 850-224-3907

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

Harris, Bob (Lobbyist) - Opponent
Trial Lawyers Section of the Florida Bar
651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-0720

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

McRay, Jack (Lobbyist) - Opponent
AARP
200 W. College Avenue, Ste. 304
Tallahassee FL 32301
Phone: (850) 577-5163

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 869 : Nursing Home Litigation Reform (continued)

Appearances: (continued)

Lee, Brian (General Public) - Opponent
Executive Director, Families for Better Care
P O Box 982
Tallahassee FL 32312
Phone: 850-224-3322

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM



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 _____

*unfavorable
3-6-13*

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

Amendment (with title amendment)

Between lines 126 and 127, insert:

Section 3. Paragraph (q) of subsection (1) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(q) Maintain general and professional liability insurance coverage that is in force at all times in an amount not less than \$1 million per claim, with a minimum annual aggregate of not less than \$5 million. In lieu of such coverage, a state-designated teaching nursing home and its affiliated assisted living facilities created under s. 430.80 may demonstrate proof of financial responsibility as provided in s. 430.80(3)(g).



Amendment No. 1

20

21

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

22

Between lines 13 and 14, insert:

23

amending s. 400.141, F.S.; requiring nursing homes to carry a

24

specified amount of insurance;

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/6/2013 8:00:00AM

Location: 404 HOB

HB 905 : Family Law

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: 13		Total Nays: 0			

Appearances:

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

Maclure, Eric (Lobbyist) (State Employee) - Waive In Support
Director, Intergovernmental Relations, Office of the State Courts Administrator
500 South Duval St.
Tallahassee FL 32399
Phone: (850) 922-5692

Committee meeting was reported out: Wednesday, March 06, 2013 2:53:23PM