



Civil Justice Subcommittee

March 18, 2014

9:00 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice Subcommittee

Tuesday March 18, 2014 09:00 am

HB 379	Favorable With Committee Substitute	Yeas: 9	Nays: 4
	Amendment 449255	Adopted Without Objection	
HB 829	Favorable With Committee Substitute	Yeas: 11	Nays: 0
	Amendment 712325	Adopted Without Objection	
	Amendment 640835	Withdrawn	
	Amendment 829577	Withdrawn	
HB 903	Favorable	Yeas: 7	Nays: 4
HB 1135	Favorable	Yeas: 13	Nays: 0
	Amendment 362089	Withdrawn	
HB 1279	Favorable	Yeas: 13	Nays: 0
PCS for HB 1117	Favorable With Amendments	Yeas: 12	Nays: 1
	Amendment PCS for HB 1117 a1	Adopted Without Objection	

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Larry Metz (Chair)	X		
Michael Clelland	X		
Daniel Davis	X		
Tom Goodson	X		
Bill Hager	X		
Walter Hill	X		
Kathleen Passidomo	X		
José Rodríguez	X		
Ross Spano	X		
Cynthia Stafford	X		
Charlie Stone	X		
James Waldman	X		
Dana Young	X		
Totals:	13	0	0

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 379 : Damages for Medical or Health Care Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland		X			
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez		X			
Ross Spano		X			
Cynthia Stafford		X			
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
	Total Yeas: 9	Total Nays: 4			

HB 379 Amendments

Amendment 449255

Adopted Without Objection

Appearances:

HB 379

Anderson, Paul (General Public) - Opponent

Florida Justice Association
1584 Metropolitan Blvd
Tallahassee FL 32308
Phone: 850-894-3000

HB 379

Hart, David (Lobbyist) - Waive In Support

FL Chamber
136 S. Bronough St.
Tallahassee FL 32301
Phone: (850) 521-1200

HB 379

Camara, Christian (Lobbyist) - Waive In Support

R Street Institute
P O Box 10577
Tallahassee FL 32302
Phone: 305-608-4300

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 379 : Damages for Medical or Health Care Services (continued)

Appearances: (continued)

HB 379

Nungesser, Tim (Lobbyist) - Waive In Support
Legislative Director, National Federation of Independent Business
110 E Jefferson St
Tallahassee FL 32301
Phone: 850-445-5367

HB 379

West, Sally (Lobbyist) - Waive In Support
Walgreen Company
Phone: 224-723-2650

HB 379

Thomas, Jeanne (Lobbyist) - Waive In Support
541 South Orlando Ave, Suite 205
Maitland FL 32794
Phone: 407-599-9122

HB 379

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

HB 379

Perdue, Tammy (Lobbyist) - Waive In Support
Associated Industries of Florida
516 N. Adams St.
Tallahassee FL 32301
Phone: (850) 224-7173

HB 379

Ramba, Melissa (Lobbyist) - Waive In Support
Florida Retail Federation
227 S Adams St
Tallahassee FL 32301
Phone: (850) 570-0269

HB 379

Connell, Andrew (Lobbyist) - Waive In Support
Florida Justice Reform Institute
600 Corporate Drive, Suite 600
Ft. Lauderdale FL 33334
Phone: 954-689-3023

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 379 : Damages for Medical or Health Care Services (continued)

Appearances: (continued)

HB 379

Facemire, Lauren (Lobbyist) - Waive In Support
Personal Insurance Federation of Florida
215 S Monroe St Ste 835
Tallahassee FL 32301
Phone: 850)597-7425

HB 379

Stanfield, Timothy (Lobbyist) - Waive In Support
Florida Property and Casualty Association, Inc
215 S Monroe St Ste 701
Tallahassee FL 32301
Phone: 954)492-4010

HB 379

Napier, Lindsey (Lobbyist) - Waive In Support
Government Relations Manager, Publix Supermarkets, Inc.
Lakeland FL
Phone: 404-655-6483

HB 379

Janecki, M.D., Chet (General Public) - Opponent
5612 Oakhurst Drive
Seminole FL 33772
Phone: 813-417-2999

HB 379

Short, M.D., James (General Public) - Opponent
5741 Bee Ridge Rd, Suite 590
Sarasota FL 34233
Phone: 941-955-1231

HB 379

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

HB 379

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: Tuesday, March 18, 2014 2:49:38PM



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		

*Adopted without
Objection
3-18-14*

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

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 768.755, Florida Statutes, is created
7 to read:

8 768.755 Damages recoverable for cost of medical or health
9 care services; evidence of amount of damages; applicability.-

10 (1) In any personal injury or wrongful death action to
 11 which this part applies, damages for the cost of medical or
 12 health care services provided to a claimant may be recovered
 13 only for medical or health care services that are determined, by
 14 a preponderance of the evidence, to be medically necessary,
 15 which may be established, subject to rebuttal by way of expert
 16 testimony, as set forth in this paragraph, based on the
 17 introduction into evidence of the claimant's medical records. A



Amendment No. 1

18 defendant is not liable for damages arising from or related to
19 the rendering of medical or health care services determined to
20 be medically unnecessary, but shall be required to establish
21 that a medical or health care service is unnecessary through
22 expert witness testimony from a health care provider licensed
23 and practicing in the same specialty as the health care provider
24 who provided the service. The award of damages shall be
25 calculated as follows:

26 (a) For such medical or health care services provided by a
27 particular health care provider to the claimant which are paid
28 for by the claimant and for which an outstanding balance is not
29 due the provider, the actual amount remitted to the provider is
30 the maximum amount recoverable. Any difference between the
31 amount originally billed by the provider and the actual amount
32 remitted to the provider is not recoverable or admissible into
33 evidence. In an action in which there are more than one health
34 care providers who have provided health care services to the
35 claimant, the evidence admissible under this subsection as to a
36 provider with no outstanding balance due may not be used as
37 evidence regarding the reasonableness of the amounts billed by
38 any of the other health care providers who have an outstanding
39 balance due.

40 (b) For such medical or health care services provided by a
41 particular health care provider to the claimant which are paid
42 for by a governmental or commercial insurance payor and for
43 which an outstanding balance is not due the provider, other than

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Amendment No. 1

44 a copay or deductible owed by the claimant, the actual amount
45 remitted to the provider by the governmental or commercial
46 insurance payor and any copay or deductible owed by the claimant
47 is the maximum amount recoverable. Any difference between the
48 amount originally billed by the provider and the actual amount
49 remitted to the provider or due from the claimant for a copay or
50 deductible is not recoverable or admissible into evidence. In an
51 action in which there are more than one health care providers
52 who have provided health care services to the claimant, the
53 evidence admissible under this subsection as to a provider with
54 no outstanding balance due may not be used as evidence regarding
55 the reasonableness of the amounts billed by any of the other
56 health care providers who have an outstanding balance due.

57 (c) For such medical or health care services provided to
58 the claimant for which an outstanding balance is claimed to be
59 due the provider, the parties may introduce into evidence:

60 1. The usual and customary charges of providers in the
61 same geographic area for identical or substantially similar
62 medical or health care services;

63 2. Amounts billed by the provider for the services
64 provided to the claimant, including those amounts billed under
65 an agreement between the provider and the claimant or the
66 claimant's representative; and,

67 3. Amounts the provider received in compensation, if any,
68 for the sale of the agreement between the provider and the



Amendment No. 1

69 claimant or the claimant's representative under which the
70 medical or health care services were provided to the claimant.

71 (2) Individual contracts between providers and licensed
72 commercial insurers or licensed health maintenance organizations
73 are not subject to discovery or disclosure in any action under
74 this part, nor is such information admissible into evidence in
75 any action to which this section applies.

76 (3) Notwithstanding any provision of this section to the
77 contrary, if Medicaid, Medicare, or a payor regulated under the
78 Florida Insurance Code has covered or is covering the cost of a
79 claimant's medical or health care services and has given notice
80 of assertion of a lien or subrogation claim for past medical
81 expenses in the action, the amount of the lien or subrogation
82 claim, in addition to the amount of any copayments or
83 deductibles paid or payable by the claimant, is the maximum
84 amount recoverable and admissible into evidence with respect to
85 the covered services.

86 (4) This section applies only to those actions for
87 personal injury or wrongful death to which this part applies
88 arising on or after the effective date of this act and has no
89 other application or effect regarding compensation paid to
90 providers of medical or health care services. A determination as
91 to medical necessity under this section may not be used by any
92 person in an effort or action to recoup or recover payment made
93 by a payor to a provider for medical or health care services or



Amendment No. 1

94 in any malpractice, disciplinary, or regulatory action or other
95 proceeding against the provider.

96 Section 2. The Division of Law Revision and Information is
97 directed to replace the phrase "the effective date of this act"
98 wherever it occurs in s. 768.755, Florida Statutes, with the
99 date this act becomes a law.

100 Section 3. This act shall take effect upon becoming a law.
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104 -----

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

106 Remove everything before the enacting clause and insert:

107 A bill to be entitled

108 An act relating to damages in negligence actions; creating
109 s. 768.755, F.S.; providing that a claimant in certain
110 negligence actions may recover damages for the cost of
111 medical or health care services only if such services are
112 medically necessary; providing a methodology to calculate
113 an award of damages for the cost of such medical or health
114 care services; specifying evidence that is admissible and
115 inadmissible in determining the award of damages; requiring
116 an alternative calculation of damages if certain insurers
117 file a lien or subrogation claim in the action; prohibiting
118 the use of a finding of medical necessity for certain
119 purposes; providing applicability; providing a directive to



Amendment No. 1

120 the Division of Law Revision and Information; providing an
121 effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 829 : Involuntary Examinations under the Baker Act

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis			X		
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young			X		
Larry Metz (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HB 829 Amendments

Amendment 712325

Adopted Without Objection

Amendment 640835

Withdrawn

Amendment 829577

Withdrawn

Appearances:

HB 829

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 829

Kelly, Natalie (Lobbyist) - Waive In Support

Alzheimer's Association

P O Box 923

Tallahassee FL 32301

Phone: 850-570-5747

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 829 : Involuntary Examinations under the Baker Act (continued)

Appearances: (continued)

HB 829

Mixon, Juhan (Lobbyist) - Waive In Support

Florida Academy of Physician Assistants

119 E Park Ave

Tallahassee FL 32301

Phone: 850-528-4441

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM



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	—	

*Adopted without
objection
3.18.14*

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

4 **Amendment (with title amendment)**

5 Remove lines 292-310 and insert:

6 3.a. A physician, physician assistant, clinical
7 psychologist, psychiatric nurse, mental health counselor,
8 marriage and family therapist, ~~or~~ clinical social worker, or
9 advanced registered nurse practitioner may execute a certificate
10 stating that he or she has examined a person within the
11 preceding 48 hours and finds that the person appears to meet the
12 criteria for involuntary examination and stating the
13 observations upon which that conclusion is based. If other less
14 restrictive means are not available, such as voluntary
15 appearance for outpatient evaluation, a law enforcement officer
16 shall take the person named in the certificate into custody and
17 deliver him or her to the nearest receiving facility for



Amendment No. 1

18 involuntary examination. The law enforcement officer shall
19 execute a written report detailing the circumstances under which
20 the person was taken into custody. The report and certificate
21 shall be made a part of the patient's clinical record. Any
22 receiving facility accepting the patient based on this
23 certificate must send a copy of the certificate to the Agency
24 for Health Care Administration on the next working day.

25 b. A physician assistant or an advanced registered nurse
26 practitioner may not execute a certificate as provided in sub-
27 subparagraph a. unless he or she completed at least 40 clock
28 hours of training approved by the Board of Medicine or the Board
29 of Nursing, as appropriate, concerning the Florida Mental Health
30 Act or mental health as part of his or her education and
31 training program or has passed a national certification exam
32 that includes testing on the care of patients with mental
33 illness/mental act or has subsequently completed and passed a
34 40- clock-hour course, approved by the relevant board concerning
35 the Florida Mental Health Act or mental health. If any colleges
36 or universities already have the Florida Mental Health Act or
37 mental health in their curriculum, they will be grandfathered.
38 In addition, such a physician assistant or advanced registered
39 nurse practitioner may not execute a certificate as provided in
40 sub-subparagraph a. unless he or she biannually completes 2
41 hours of approved continuing education concerning the Florida
42 Mental Health Act.

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Amendment No. 1

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

Remove line 9 and insert:

persons believed to have mental illness; providing education and
continuing education requirements for such physician assistants
and advanced registered nurse practitioners; amending ss.



Amendment No. 1a

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
3-18-14*

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

3
 4 Amendment to Amendment (712325) by Representative Campbell
 5 Remove lines 30-37 of the amendment and insert:
 6 Act or Alzheimer's disease or related dementias as part of his
 7 or her education and training program or has subsequently
 8 completed and passed a 40-clock-hour course approved by the
 9 relevant board concerning the Florida Mental Health Act. In
 10 addition, such a physician assistant or advanced registered
 11 nurse practitioner may not execute a certificate as provided in
 12 sub-subparagraph a. unless he or she annually completes 3 hours
 13 of approved continuing education concerning the Florida Mental
 14 Health Act or Alzheimer's disease or related dementias.

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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
3-18-14*

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

Amendment (with title amendment)

Remove line 152 and insert:

conditions manifested only by antisocial behavior, Alzheimer's
disease or related dementias, or substance

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

Remove line 4 and insert:

revising and providing definitions; updating references to the

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 903 : Application of Foreign Law in Certain Cases

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland		X			
Daniel Davis	X				
Tom Goodson				X	
Bill Hager			X		
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez		X			
Ross Spano	X				
Cynthia Stafford		X			
Charlie Stone	X				
James Waldman		X			
Dana Young	X				
Larry Metz (Chair)	X				
	Total Yeas: 7	Total Nays: 4			

Appearances:

HB 903

Kurnaz, Ali (General Public) - Waive In Opposition

Emerge USA

3347 Mission Lake Dr. Apt. 400

Orlando FL 32817

Phone: (407) 923-7424

HB 903

Diaz, Nelson (Lobbyist) - Opponent

Florida Bar, Family Law Section, The

123 S Adams St

Tallahassee FL 32301

HB 903

Schlakman, Mark (State Employee) - Information Only

Senior Program Director, FSU Center for the Advancement of Human Rights

425 W Jefferson St

Tallahassee FL 32301

Phone: 850-644-4614

HB 903

Rumboldt, Chris (General Public) - Opponent

Family Law Section, The Florida Bar

101 Renaissance Center 101 N Federal Hwy

Boca Raton FL

Phone: 561-447-2274

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COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 903 : Application of Foreign Law in Certain Cases (continued)

Appearances: (continued)

HB 903

Flynn, Mark (Lobbyist) - Information Only

EMERGE

210 Britt

Tallahassee FL

Phone: 850-320-5555

HB 903

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 903

Johnson, Raymond (General Public) - Proponent

Founder and President, Biblical Concepts Ministries

3036 Stratton Lane

Jacksonville FL 32221

Phone: 904-338-4751

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 1135 : Limitation of Civil Liability for Farmers

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodriguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 1135 Amendments

Amendment 362089

Withdrawn

Appearances:

HB 1135

Roth, Raymond "Rick" (General Public) - Waive In Support
President, Roth Farms
15385 Enstram Rd
Wellington FL 33414
Phone: 561-985-1838

HB 1135

Pierce, Lance (Lobbyist) - Waive In Support
Assistant Director of State Legislative Affairs, Florida Farm Bureau
315 S Calhoun St
Tallahassee FL
Phone: 850-222-2517

HB 1135

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

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 1135 : Limitation of Civil Liability for Farmers (continued)

Appearances: (continued)

HB 1135

Calhoun, H. (Lobbyist) - Waive In Support

Florida Fruit & Vegetable Association

PO Box 948153

Maitland FL

Phone: 850)521-0455

HB 1135

Bon Larron, Todd (Lobbyist) - Waive In Support

Palm Beach County

301 N. Olive Ave.

West Palm Beach FL 33401

Phone: (561) 355-3451

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM



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	___	

*Withdrawn
3-18-14*

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

4 Amendment (with directory and title amendments)

5 Between lines 19 and 20, insert:

6 (3) The exemption from civil liability provided for in
7 this section does ~~shall~~ not apply if injury or death directly
8 results from the gross negligence or, intentional act of, ~~or~~
9 ~~from known dangerous conditions not disclosed by the farmer.~~

13 -----
14 D I R E C T O R Y A M E N D M E N T

15 Remove lines 9-10 and insert:

16 Section 1. Subsections (2) and (3) of section 768.137,
17 Florida Statutes, are amended to read:



Amendment No. 1

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

Remove line 5 and insert:

civil liability; revising exceptions to the exemption from civil
liability; providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 1279 : Marriage of Minors

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Walter Hill	X				
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

Appearances:

HB 1279

Pitts, Brian - Waive In Opposition

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/18/2014 9:00:00AM

Location: Sumner Hall (404 HOB)

PCS for HB 1117 : Athletic Safety, Education, and Training

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Michael Clelland	X				
Daniel Davis	X				
Tom Goodson	X				
Bill Hager	X				
Walter Hill		X			
Kathleen Passidomo	X				
José Rodríguez	X				
Ross Spano	X				
Cynthia Stafford	X				
Charlie Stone	X				
James Waldman	X				
Dana Young	X				
Larry Metz (Chair)	X				
Total Yeas: 12		Total Nays: 1			

PCS for HB 1117 Amendments

Amendment PCS for HB 1117 a1

Adopted Without Objection

Appearances:

PCS for HB 1117

Book, Ron (Lobbyist) - Proponent

Miami Dolphins

104 W Jefferson

Tallahassee FL 32301

Phone: 850-224-3427

PCS for HB 1117

Mixon, Juhan (Lobbyist) - Proponent

Florida High School Athletic Association

119 E Park Ave

Tallahassee FL 32301

Phone: (850) 528-4441

Committee meeting was reported out: Tuesday, March 18, 2014 2:49:38PM



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	—	

*Adopted without
objection
3-18-14*

1 Committee/Subcommittee hearing PCB: Civil Justice Subcommittee
2 Representative Workman offered the following:

4 **Amendment (with title amendment)**

5 Remove line 218 and insert:

6 violation, payable to the state. In a civil action brought by
7 the Attorney General under this subsection, a professional
8 sports franchise shall have an affirmative defense that it took
9 reasonable measures to prevent a violation of this statute if
10 the professional sports franchise:

11 (a) Adopted and enforced a written policy prohibiting
12 abusive conduct.

13 (b) Required players to receive the policy and to pledge
14 not to engage in abusive conduct toward other players.

15 (c) Required coaching staff to be trained in the
16 prevention of abusive conduct. Such training must include
17 instruction on identifying, preventing, and responding to

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18 abusive conduct in athletics, including instruction on
19 recognizing behaviors that lead to abusive conduct in athletics
20 and taking appropriate preventive action based on those
21 observations.

22 Section 6. Nothing in this act shall be construed or
23 implemented to infringe upon the right of free speech under the
24 First Amendment to the United States Constitution, as
25 incorporated by the Fourteenth Amendment to the United States
26 Constitution, or under Article I, Section 4 of the State
27 Constitution.

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

Remove line 36 and insert:

the Attorney General in a civil action; providing an affirmative
defense to a civil action; providing that the act may not be
construed or implemented to infringe upon the right of free
speech; providing an