



Civil Justice Subcommittee

**Tuesday, March 24, 2015
8:00 AM - 12:00 PM
Sumner Hall (404 HOB)**

ACTION PACKET

**Steve Crisafulli
Speaker**

**Kathleen Passidomo
Chair**

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice Subcommittee

Tuesday March 24, 2015 08:00 am

CS/HB 649	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 030603 Adopted as Amended		
	Am 1		
	Amendment 710417 Adopted Without Objection		
	Am 1a (Am to Am 1)		
HB 1041	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 615331 Adopted Without Objection		
	Am 1 Strike All		
HB 1067	Temporarily Postponed		
HB 1197	Favorable With Committee Substitute	Yeas: 9	Nays: 4
	Amendment 635841 Adopted Without Objection		
	Am 1		
HB 1199	Favorable With Committee Substitute	Yeas: 8	Nays: 5
	Amendment 057333 Adopted Without Objection		
	Am 1		
PCS for CS/HB 669	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kathleen Passidomo (Chair)	X		
Lori Berman	X		
Colleen Burton	X		
Dwight Dudley	X		
Walter Hill	X		
Kionne McGhee	X		
Larry Metz	X		
George Moraitis, Jr.	X		
Cary Pigman	X		
Cynthia Stafford	X		
Charlie Stone	X		
Jennifer Sullivan	X		
John Wood	X		
Totals:	13	0	0

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

CS/HB 649 : Surveillance by a Drone

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.		X			
Cary Pigman			X		
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 11	Total Nays: 1			

CS/HB 649 Amendments

Amendment 030603

Adopted as Amended

Amendment 710417

Adopted Without Objection

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)	
ADOPTED AS AMENDED	<u> Y </u>	(Y/N)	3/29/15
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)	
FAILED TO ADOPT	<u> </u>	(Y/N)	
WITHDRAWN	<u> </u>	(Y/N)	
OTHER	<u> </u>		

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

Amendment (with title amendment)

Remove lines 53-100 and insert:

6 real property or of the owner, tenant, occupant, invitee, or
 7 licensee of such property with the intent to conduct
 8 surveillance on the individual or property captured in the image
 9 in violation of such person's reasonable expectation of privacy
 10 without his or her written consent. For purposes of this
 11 section, a person is presumed to have a reasonable expectation
 12 of privacy on his or her privately owned or occupied real
 13 property if he or she is not observable by persons located at
 14 ground level in a place where they have a legal right to be,
 15 regardless of whether he or she is observable from the air with
 16 the use of a drone. This paragraph is not intended to limit or



Amendment No. 1

17 restrict the application of federal law to the use of drones for
18 surveillance purposes.

19 (4) EXCEPTIONS.—This act does not prohibit the use of a
20 drone:

21 (a) To counter a high risk of a terrorist attack by a
22 specific individual or organization if the United States
23 Secretary of Homeland Security determines that credible
24 intelligence indicates that there is such a risk.

25 (b) If the law enforcement agency first obtains a search
26 warrant signed by a judge authorizing the use of a drone.

27 (c) If the law enforcement agency possesses reasonable
28 suspicion that, under particular circumstances, swift action is
29 needed to prevent imminent danger to life or serious damage to
30 property, to forestall the imminent escape of a suspect or the
31 destruction of evidence, or to achieve purposes including, but
32 not limited to, facilitating the search for a missing person.

33 (d) By a person or entity engaged in a business or
34 profession licensed by the state, or by an agent, employee, or
35 contractor thereof, if the drone is used only to perform
36 reasonable tasks within the scope of practice or activities
37 permitted under such person's or entity's license.

38 (e) By an employee or contractor of a property appraiser
39 who uses a drone solely for the purpose of assessing property
40 for ad valorem taxation.

41 (5) REMEDIES FOR VIOLATION.—

42 (a) An aggrieved party may initiate a civil action against



Amendment No. 1

43 a law enforcement agency to obtain all appropriate relief in
44 order to prevent or remedy a violation of this act.

45 (b) The owner, tenant, occupant, invitee, or licensee of
46 privately owned or occupied real property may initiate a civil
47 action for compensatory damages for violations of this section
48 and may seek injunctive relief to prevent future violations of
49 this section against a person, state agency, or political
50 subdivision that violates paragraph (3)(b). In such action, the
51 prevailing party is entitled to recover reasonable attorney fees
52 from the nonprevailing party based on the actual and reasonable
53 time expended by his or her attorney billed at an appropriate
54 hourly rate and, in cases in which the payment of such a fee is
55 contingent on the outcome, without a multiplier, unless the
56 action is tried to verdict, in which case a multiplier of up to
57 twice the actual value of the time expended may be awarded in
58 the discretion of the trial court.

59 (c) Punitive damages for a violation of paragraph (3)(b)
60 may be sought against a person subject to other requirements and
61 limitations of law, including, but not limited to, part II of
62 chapter 768 and case law.

63 (d) The remedies provided for a violation of paragraph
64 (3)(b) are cumulative

65 -----
66
67 **T I T L E A M E N D M E N T**

68 Remove lines 6-13 and insert:



Amendment No. 1

69 occupied real property or of the owner, tenant, occupant,
70 invitee, or licensee of such property with the intent to conduct
71 surveillance without his or her written consent if a reasonable
72 expectation of privacy exists; specifying when a reasonable
73 expectation of privacy may be presumed; authorizing the use of a
74 drone by a person or entity engaged in a business or profession
75 licensed by the state in certain circumstances; authorizing the
76 use of a drone by an employee or contractor of a property
77 appraiser for the purpose of assessing property for ad valorem
78 taxation; providing that an owner, tenant, occupant, invitee, or
79 licensee may initiate a civil action for compensatory damages
80 and may seek injunctive relief against a person, a state agency,
81 or a political subdivision that violates the act; providing for
82 construction;



Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N) 8/24/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

3
 4 **Amendment to Amendment (030603) by Representative Metz**
 5 **(with title amendment)**

6 Remove lines 33-37 of the amendment and insert:

7 (d) By a person or entity engaged in a business or
 8 profession licensed by the state, or by an agent, employee, or
 9 contractor thereof, if the drone is used only to perform
 10 reasonable tasks within the scope of practice or activities
 11 permitted under such person's or entity's license. However, this
 12 exception does not apply to a profession in which the licensee's
 13 authorized scope of practice includes obtaining information
 14 about the identity, habits, conduct, movements, whereabouts,
 15 affiliations, associations, transactions, reputation, or
 16 character of any society, person, or group of persons.
 17



Amendment No. 1a

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19
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22

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

Remove line 75 of the amendment and insert:
licensed by the state in certain circumstances; providing an
exception; authorizing the

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1041 : Strategic Lawsuits Against Public Participation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

HB 1041 Amendments

Amendment 615331

Adopted Without Objection

Appearances:

HB 1041

Pound, Greg - Information Only
9166 Sunrise Dr
Largo FL 33773

HB 1041

LoCicero, Carol - Proponent
Law Firm Thomas & LoCicero
601 S Boulevard
Tampa Florida 33606
Phone: 813-984-3060

HB 1041

Morley, Samuel (Lobbyist) - Waive In Support
Florida Press Association
310 College Ave
Tallahassee FL 32301

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1041 : Strategic Lawsuits Against Public Participation (continued)

Appearances: (continued)

HB 1041

Sheffner, Ben - Proponent

Motion Picture Association of America

VP Legal Affairs

15301 Ventura Blvd, Bldg E

Sherman Oaks CA 91403

Phone: 818-935-5784

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/24/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 768.295, Florida Statutes, is amended
7 to read:

8 768.295 Strategic Lawsuits Against Public Participation
9 (SLAPP) ~~suits by governmental entities prohibited.~~

10 (1) ~~This section may be cited as the "Citizen
11 Participation in Government Act."~~

12 ~~(2)~~ It is the intent of the Legislature to protect the
13 right in Florida ~~of Florida's citizens~~ to exercise the their
14 rights of free speech in connection with public issues, and the
15 rights to peacefully assemble, instruct ~~their~~ representatives,
16 and petition for redress of grievances before the various
17 governmental entities of this state as protected by the First



Amendment No. 1

18 Amendment to the United States Constitution and s. 5, Art. I of
19 the State Constitution. ~~The Legislature recognizes that~~
20 ~~"Strategic Lawsuits Against Public Participation" or "SLAPP"~~
21 ~~suits, as they are typically called, have increased over the~~
22 ~~last 30 years and are mostly filed by private industry and~~
23 ~~individuals. However,~~ It is the public policy of this state that
24 a person or governmental entity ~~government entities~~ not engage
25 in SLAPP suits because such actions are inconsistent with the
26 right of persons ~~individuals~~ to exercise their constitutional
27 rights of free speech in connection with public issues
28 ~~participate in the state's institutions of government.~~
29 Therefore, the Legislature finds and declares that prohibiting
30 such lawsuits as herein described ~~by governmental entities~~ will
31 preserve this fundamental state policy, preserve the
32 constitutional rights of persons in Florida ~~citizens~~, and assure
33 the continuation of representative government in this state. It
34 is the intent of the Legislature that such lawsuits be
35 expeditiously disposed of by the courts.

36 (2)(3) As used in this section, the phrase or term:

37 (a) "Free speech in connection with public issues" means
38 any written or oral statement that is protected under applicable
39 law and is made before a governmental entity in connection with
40 an issue under consideration or review by a governmental entity,
41 or is made in or in connection with a play, movie, television
42 program, radio broadcast, audiovisual work, book, magazine
43 article, musical work, news report, or other similar work.

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44 (b) "Governmental entity" or "government entity" means the
45 state, including the executive, legislative, and the judicial
46 branches of government and the independent establishments of the
47 state, counties, municipalities, corporations primarily acting
48 as instrumentalities of the state, counties, or municipalities,
49 districts, authorities, boards, commissions, or any agencies
50 thereof.

51 (3)(4) A person or ~~Ne~~ governmental entity in this state
52 may not shall file or cause to be filed, through its employees
53 or agents, any lawsuit, cause of action, claim, cross-claim, or
54 counterclaim against another a person or entity without merit
55 and primarily solely because such person or entity has exercised
56 the constitutional right of free speech in connection with a
57 public issue, or right to peacefully assemble, the right to
58 instruct representatives of government, or and the right to
59 petition for redress of grievances before the various
60 governmental entities of this state, as protected by the First
61 Amendment to the United States Constitution and s. 5, Art. I of
62 the State Constitution.

63 (4)(5) A person or entity sued by a governmental entity or
64 another person in violation of this section has a right to an
65 expeditious resolution of a claim that the suit is in violation
66 of this section. A person or entity may move ~~petition~~ the court
67 for an order dismissing the action or granting final judgment in
68 favor of that person or entity. The person or entity ~~petitioner~~
69 may file a motion for summary judgment, together with



Amendment No. 1

70 supplemental affidavits, seeking a determination that the
71 claimant's or governmental entity's lawsuit has been brought in
72 violation of this section. The claimant or governmental entity
73 shall thereafter file a its response and any supplemental
74 affidavits. As soon as practicable, the court shall set a
75 hearing on the ~~petitioner's~~ motion, which shall be held at the
76 earliest possible time after the filing of the claimant's or
77 governmental entity's response. The court may award, subject to
78 the limitations in s. 768.28, the party sued by a governmental
79 entity actual damages arising from a the governmental entity's
80 violation of this section ~~act~~. The court shall award the
81 prevailing party reasonable attorney ~~attorney's~~ fees and costs
82 incurred in connection with a claim that an action was filed in
83 violation of this section.

84 ~~(5)(6)~~ In any case filed by a governmental entity which is
85 found by a court to be in violation of this section, the
86 governmental entity shall report such finding and provide a copy
87 of the court's order to the Attorney General no later than 30
88 days after such order is final. The Attorney General shall
89 report any violation of this section by a governmental entity to
90 the Cabinet, the President of the Senate, and the Speaker of the
91 House of Representatives. A copy of such report shall be
92 provided to the affected governmental entity.

93 Section 2. This act shall take effect July 1, 2015.
94
95 -----



Amendment No. 1

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

96
97 Remove everything before the enacting clause and insert:
98 An act relating to strategic lawsuits against public
99 participation; amending s. 768.295, F.S.; removing a short
100 title; providing that legislative intent includes the protection
101 of specified forms of free speech; defining the phrase "free
102 speech in connection with public issues"; conforming provisions
103 to changes made by the act; providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1067 : Punitive Damages

Temporarily Postponed

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1197 : Civil Remedies Against Insurers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman		X			
Colleen Burton	X				
Dwight Dudley		X			
Walter Hill	X				
Kionne McGhee		X			
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford		X			
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
Total Yeas: 9		Total Nays: 4			

HB 1197 Amendments

Amendment 635841

Adopted Without Objection

Appearances:

HB 1197

McFaddin, Logan (Lobbyist) - Waive In Support
Property Casualty Insurers Association of America
Regional Mgr of State Government Relations
215 S Monroe Street
Tallahassee Florida
Phone: 850-681-2615

HB 1197

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

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1197 : Civil Remedies Against Insurers (continued)

Appearances: (continued)

HB 1197

McAarney, Douglas (Lobbyist) - Waive In Support

Personal Insurance Federation of Florida
215 South Monroe Street Suite 835
Tallahassee Florida 32301
Phone: 8505977425

HB 1197

Hart, David (Lobbyist) - Waive In Support

Executive Vice President, Florida Chamber
136 S Bronough
Tallahassee FL 32301
Phone: 850-521-1200

HB 1197

Meros, George (Lobbyist) - Proponent

Institute for Legal Reform
Tallahassee FL
Phone: (850)577-9090

HB 1197

Cathey, Brandon - Opponent

Taxpayers Against Insurance Bad Faith
President
1234 5th Avenue
Tallahassee Florida 33605
Phone: 813-273-0017

HB 1197

Camara, Christian (Lobbyist) - Waive In Support

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

HB 1197

Kilgore, Vickie - Information Only

Insurance Research Council
Director of Research
718 Providence Road
Malvern PA 19355
Phone: 610-644-2212 x7573

HB 1197

Swope, Dale - Opponent

Florida Justice Association
216 Monroe Street
Tallahassee FL 33605
Phone: 813-273-0017

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1197 : Civil Remedies Against Insurers (continued)

Appearances: (continued)

HB 1197

Watson Sr., Larry - Opponent

Pastor

2501 Longleaf Drive

Pensacola FL 32526

Phone: 850-232-7067

HB 1197

Perdue, Tammy (Lobbyist) - Waive In Support

Associated Industries of Florida

516 N. Adams St.

Tallahassee Florida 32301

Phone: 850-224-7173

HB 1197

Large, William (Lobbyist) - Waive In Support

Florida Justice Reform Institute

210 S Monroe St

Tallahassee FL 32301

Phone: 850-222-0170

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N) 3/24/15
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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

Amendment (with title amendment)

Between lines 39 and 40, insert:

6 Section 2. For the purpose of incorporating the amendment
 7 made by this act to section 624.155, Florida Statutes, in a
 8 reference thereto, subsection (3) of section 766.1185, Florida
 9 Statutes, is reenacted to read:

10 766.1185 Bad faith actions.—In all actions for bad faith
 11 against a medical malpractice insurer relating to professional
 12 liability insurance coverage for medical negligence, and in
 13 determining whether the insurer could and should have settled
 14 the claim within the policy limits had it acted fairly and
 15 honestly towards its insured with due regard for her or his
 16 interest, whether under statute or common law:



Amendment No. 1

17 (3) The provisions of s. 624.155 shall be applicable in
18 all cases brought pursuant to that section unless specifically
19 controlled by this section.

20

21

22

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

23

Remove line 10 and insert:

24

claim if certain conditions are met; reenacting s. 766.1185(3),

25

F.S., relating to bad faith actions, to incorporate the

26

amendment made to s. 624.155, F.S., in a reference thereto;

27

providing an

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1199 : Damages in Personal Injury Actions

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman		X			
Colleen Burton	X				
Dwight Dudley		X			
Walter Hill	X				
Kionne McGhee		X			
Larry Metz	X				
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford		X			
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood		X			
Kathleen Passidomo (Chair)	X				
	Total Yeas: 8	Total Nays: 5			

HB 1199 Amendments

Amendment 057333

Adopted Without Objection

Appearances:

HB 1199

Ligori, Christopher - Opponent

117 S Willow Avenue

Tampa FL 33808

Phone: 813-223-2929

HB 1199

McAlarney, Douglas (Lobbyist) - Waive In Support

Personal Insurance Federation of Florida

215 South Monroe Street Suite 835

Tallahassee Florida 32301

Phone: 850-559-1986

HB 1199

Bolin, Andrew (Lobbyist) - Proponent

Florida Justice Reform Institute

201 One Tampa City Center Suite 2900

Tampa FL 33602

Phone: 813-226-3000

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1199 : Damages in Personal Injury Actions (continued)

Appearances: (continued)

HB 1199

Aristimone, Joaquin Javier - Opponent

MD.

9020 Misty Creek Drive

Sarasota Florida 34241

Phone: 941-232-8073

HB 1199

Kochno, Taras - Opponent

MD.

3825 26th Street West

Bradenton Florida 34205

Phone: 941-755-8819

HB 1199

Faddis, Tiffany - Information Only

545 Delaney Avenue

Orlando Florida 32801

Phone: 407-872-1050

HB 1199

Copeland, Todd - Opponent

Attorney at Law

338 N Magnolia Avenue

Orlando FL 32801

Phone: 407-999-8995

HB 1199

Rafferty, Troy - Opponent

Florida Justice Association

316 S. Bayles

Pensacola FL

Phone: 850-435-7163

HB 1199

Scott, Jeff (Lobbyist) - Opponent

Florida Medical Association

1430 Piedmont Dr E

Tallahassee FL 32308

Phone: (850) 224-6496

HB 1199 (Bill and Amendment)

Large, William (Lobbyist) - Waive In Support

Florida Justice Reform Institute

President

210 S Monroe St

Tallahassee FL 32301

Phone: (850)222-0170

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

HB 1199 : Damages in Personal Injury Actions (continued)

Appearances: (continued)

HB 1199

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

HB 1199

Napier, Lindsey (Lobbyist) - Waive In Support
Publix Supermarkets, Inc.
Government Relations Manager,
2600 Belk Road SE
Marietta GA 30337
Phone: 404-655-6483

HB 1199

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

HB 1199

Padgett, Samantha (Lobbyist) - Waive In Support
Florida Retail Federation
227 South Adams St.
Tallahassee FL 32301
Phone: 850-222-4082

HB 1199

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

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 3/24/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

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

Amendment

Remove lines 30-63 and insert:

6 the maximum amount recoverable. Any difference between the
 7 amount originally billed by a health care provider who has
 8 provided medical or health care services to the claimant and the
 9 actual amount remitted to the provider is not recoverable or
 10 admissible into evidence.

11 2. For such medical or health care services provided by a
 12 particular health care provider to the claimant which are paid
 13 for by a governmental or commercial insurance payor and for
 14 which an outstanding balance is not due the provider, other than
 15 a copay or deductible owed by the claimant, the actual amount
 16 remitted to the provider by the governmental or commercial
 17 insurance payor and a copay or deductible owed by the claimant



Amendment No. 1

18 is the maximum amount recoverable. Any difference between the
19 amount originally billed by a health care provider who has
20 provided medical or health care services to the claimant and the
21 actual amount remitted to the provider is not recoverable or
22 admissible into evidence.

23 3. For such medical or health care services provided to
24 the claimant for which an outstanding balance is claimed to be
25 due the provider, the parties may introduce into evidence:

26 a. Amounts the provider routinely accepts as payment from
27 governmental or commercial insurance payors for identical or
28 substantially similar medical or health care services.

29 b. Amounts billed by the provider for the services
30 provided to the claimant, including those amounts billed under
31 an agreement between the provider and the claimant or the
32 claimant's representative.

33 c. Amounts the provider received in compensation, if any,
34 for the sale of the agreement between the provider and the
35 claimant or the claimant's representative under which the
36 medical or health care services were provided to the claimant.

37 (b) In an action in which there is more than one health
38 care provider who has provided medical or health care services
39 to the claimant, the evidence admissible under this subsection
40 as to a provider with no outstanding balance due may not be used
41 as evidence regarding the reasonableness of the amounts billed
42 by any of the other health care providers who have an
43 outstanding balance due.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

PCS for CS/HB 669 : Assignment of Post-Loss Insurance Policy Benefits

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Lori Berman	X				
Colleen Burton	X				
Dwight Dudley	X				
Walter Hill	X				
Kionne McGhee	X				
Larry Metz				X	
George Moraitis, Jr.	X				
Cary Pigman	X				
Cynthia Stafford	X				
Charlie Stone	X				
Jennifer Sullivan	X				
John Wood	X				
Kathleen Passidomo (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

PCS for CS/HB 669

Garcia, Reggie (Lobbyist) - Opponent

Florida Justice Association

PO Box 11069

Tallahassee FL 32302

Phone: (850)933-7150

PCS for CS/HB 669

Handerhan, Paul (Lobbyist) - Proponent

Florida Association for Insurance Reform

Consultant

120 South Monroe Street

Tallahassee FL 32301

Phone: 561-704-0428

PCS for CS/HB 669

Silver, Keri Rayborn - Waive In Support

The Council of Property Claim Professionals

P.O. Box 1565

Tallahassee FL 32301

Phone: 850-524-2394

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

PCS for CS/HB 669 : Assignment of Post-Loss Insurance Policy Benefits (continued)

Appearances: (continued)

PCS for CS/HB 669

Kalifeh, Ashley - Proponent

Associated Industries of Florida

Capital City Consulting

101 East College Avenue

Tallahassee FL 32301

Phone: 850-222-9075

PCS for CS/HB 669

Kershner, Bruce (Lobbyist) - Opponent

Southeast Glass Association

231 W Bay Ave

Longwood FL 32750

Phone: (407)830-1882

PCS for CS/HB 669

Johnson, Carolyn (Lobbyist) - Waive In Support

Policy Director, Florida Chamber of Commerce

136 S Bronough Street

Tallahassee FL 32311

Phone: 850-521-1235

PCS for CS/HB 669

Fortier, Steve - Opponent

Noland's Roofing

Manager

192 West Highway 50

Clermont FL 34711

Phone: 352-242-4322

PCS for CS/HB 669

Noland, Greg - Opponent

Noland's Roofing, Inc.

President

Groveland Fl 34736

Phone: 352-573-7676

PCS for CS/HB 669

Large, William (Lobbyist) - Waive In Support

Florida Justice Reform Institute

210 S Monroe St

Tallahassee FL 32301-1824

Phone: (850)222-0170

PCS for CS/HB 669

Camara, Christian (Lobbyist) - Waive In Support

R Street Institute

PO Box 10577

Tallahassee Fl 32302

Phone: 305-608-4300

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

PCS for CS/HB 669 : Assignment of Post-Loss Insurance Policy Benefits (continued)

Appearances: (continued)

PCS for CS/HB 669

Ralston, Foyt (Lobbyist) - Waive In Opposition

Florida Association of Restoration Specialist

101 North Monroe Street, Suite 900

Tallahassee FL 32301

Phone: 850-222-8611

PCS for CS/HB 669

Sweet, R. David - Opponent

NextGen Restoration Inc.

COO

111 West Genesee Street

Tampa FL 33603

Phone: 813-962-6855

PCS for CS/HB 669

Williams, Gene - Waive In Opposition

United Water Restoration

Operations Manager

8249 Kristel Circle

New Port Richey FL 34668

Phone: 727-278-0857

PCS for CS/HB 669

Burger, Mark - Opponent

United Water Restoration Group, Inc.

Sales & Marketing

6802 Ami Ci Court

Port Orange FL 32128

Phone: 386-795-9121

PCS for CS/HB 669

Gonzalez, Ricardo - Waive In Opposition

United Water Restoration

Field Supervisor

1730 Wintergreen Blvd.

Winter Park FL

Phone: 386-589-7667

PCS for CS/HB 669

Floming, James - Waive In Opposition

United Water Restoration

Marketing

8249 Kristel Circle

New Port Richey FL 34668

Phone: 813-344-7180

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

PCS for CS/HB 669 : Assignment of Post-Loss Insurance Policy Benefits (continued)

Appearances: (continued)

PCS for CS/HB 669

Swindle, Bobby - Opponent
West Orange Roofing, Inc.
President/Owner
308 Weir Drive
Winter Garden FL 34787
Phone: 407-656-8920

PCS for CS/HB 669

Grant, Jeff - Opponent
Bone Dry Restoration and Cleaning
Owner
1285 Smoke Rise Lane
Tallahassee FL
Phone: 850-878-6469

PCS for CS/HB 669

Pelzer, Harry - Opponent
Homeowner and Contractor
3401 S. Saint Lucie Drive
Casselberry FL 32707
Phone: 407-497-1393

PCS for CS/HB 669

Carlson, Michael (Lobbyist) - Proponent
Personal Insurance Federation of Florida
215 S Monroe St Ste 835
Tallahassee FL 32301
Phone: 8505977425

PCS for CS/HB 669

Miller, Lisa (Lobbyist) - Proponent
Demotech, Inc
331 N Monroe Street
Tallahassee Florida 32301
Phone: (850)222-1041

PCS for CS/HB 669

Johnson, Scott - Information Only
Johnson Strategies, LLC
President
8976 Eagles Ridge
Tallahassee FL 32312

PCS for CS/HB 669

Delegal, Mark (Lobbyist) - Proponent
State Farm Florida Insurance Company
315 South Calhoun #600
Tallahassee FL 32301
Phone: (850)224-7000

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

3/24/2015 8:00:00AM

Location: Sumner Hall (404 HOB)

PCS for CS/HB 669 : Assignment of Post-Loss Insurance Policy Benefits (continued)

Appearances: (continued)

PCS for CS/HB 669

Ulrich, Kyle (Lobbyist) - Waive In Support

Florida Association of Insurance Agents

3159 Shamrock S

Tallahassee FL 32309

Phone: (850)893-4155

PCS for CS/HB 669

Kalifeh, Ashley - Proponent

Associated Industries of Florida

101 East College Ave

Tallahassee FL 32301

Phone: 850-222-9075

PCS for CS/HB 669

Arce, S. - Opponent

J T Construction

Sr. Project manager

4612 Cheyenne Point

Kissimmee FL

Phone: 407-791-4751

PCS for CS/HB 669

Silver, Keri Rayborn - Waive In Support

Latin American Association of Insurance Agencies

P.O. Box 1565

Tallahassee FL 32301

Phone: 850-524-2394

Committee meeting was reported out: Tuesday, March 24, 2015 4:01:01PM