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# Civil Justice Subcommittee

**Tuesday, April 7, 2015  
4:30 PM – 6:30 PM  
Sumner Hall (404 HOB)**

**ACTION PACKET**

**Steve Crisafulli  
Speaker**

**Kathleen Passidomo  
Chair**

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

### Summary:

#### Civil Justice Subcommittee

Tuesday April 07, 2015 04:30 pm

HB 3505	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 444761 Adopted Without Objection		
	Am 1		
	Amendment 487589 Adopted Without Objection		
	Am 2		
HB 3511	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 953917 Adopted Without Objection		
	Am 1		
HB 3513	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 142669 Adopted Without Objection		
	Am 1		
HB 3519	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 594453 Adopted Without Objection		
	Am 1		
HB 3521	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 337153 Adopted Without Objection		
	Am 1		
HB 3523	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 785701 Adopted Without Objection		
	Am 1		
HB 3527	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 201625 Adopted Without Objection		
	Am 1		
HB 3531	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 859723 Adopted Without Objection		
	Am 1		
HB 3533	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 470931 Adopted Without Objection		
	Am 1		
HB 3543	Favorable With Committee Substitute	Yeas: 11	Nays: 1

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

### Summary: (continued)

#### Civil Justice Subcommittee

Tuesday April 07, 2015 04:30 pm

Amendment 385787 Adopted Without Objection  
Am 1

HB 3547 Favorable With Committee Substitute Yeas: 11 Nays: 1

Amendment 849699 Adopted Without Objection  
Am 1

HB 3549 Favorable With Committee Substitute Yeas: 11 Nays: 1

Amendment 815053 Adopted Without Objection  
Am 1

HB 3555 Favorable With Committee Substitute Yeas: 11 Nays: 1

Amendment 672381 Adopted Without Objection  
Am 1

HB 3557 Favorable With Committee Substitute Yeas: 11 Nays: 1

Amendment 571745 Adopted Without Objection  
Am 1

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**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		
<b>Totals:</b>	<b>13</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3505 : Relief/Estate of Lazaro Rodriguez/City of Hialeah**

*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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### HB 3505 Amendments

#### Amendment 444761

*Adopted Without Objection*

#### Amendment 487589

*Adopted Without Objection*

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>y</u>	(Y/N) 4/7/15
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

-----

**T I T L E   A M E N D M E N T**

Remove line 13 and insert:

WHEREAS, on July 30, 2000, at approximately 10:14 p.m., 28-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>y</u>	(Y/N) 4/7/15
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

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**T I T L E   A M E N D M E N T**

7 Remove line 61 and insert:  
 8 if the Legislature approves the unpaid amounts, and

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3511 : Relief/Carl Abbott/Palm Beach County School Board**

*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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

**HB 3511 Amendments**

**Amendment 953917**

*Adopted Without Objection*

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM





Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)	
ADOPTED AS AMENDED	_____	(Y/N)	
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)	4/7/15
FAILED TO ADOPT	_____	(Y/N)	
WITHDRAWN	_____	(Y/N)	
OTHER			

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

**Amendment (with title amendment)**

Remove lines 43-49 and insert:

6 of the Palm Beach County School District. The payments were  
 7 scheduled to cease upon the death of Carl Abbott if he died  
 8 before the last payment was made. However, David Abbott, as  
 9 guardian of Carl Abbott, is guaranteed a total payment amount of  
 10 \$633,333.33 since Carl Abbott died before or within 3 years  
 11 after the effective date of this act. This amount represents  
 12 three annual payments and shall be payable on the annual due  
 13 dates.

14  
15  
16 -----  
17 **T I T L E A M E N D M E N T**



Amendment No. 1

18 Remove lines 18-29 and insert:

19 WHEREAS, as a result of his injuries, Carl Abbott had to  
20 reside in a nursing home, suffered from loss of cognitive  
21 function, right-sided paralysis, immobility, urinary  
22 incontinence, bowel incontinence, delirium, and an inability to  
23 speak, and had to obtain nutrition through a feeding tube, and

24 WHEREAS, the Palm Beach County School Board unanimously  
25 passed a resolution in support of settling the lawsuit that was  
26 filed in this case, tendered payment of \$100,000 to Carl Abbott  
27 in accordance with the statutory limits of liability set forth  
28 in s. 768.28, Florida Statutes, and does not oppose the passage  
29 of this claim bill in favor of Carl Abbott in the amount of \$1.9  
30 million, as structured, and

31 WHEREAS, Carl Abbott passed away in June 2014, NOW,  
32 THEREFORE,

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3513 : Relief/Estate of Victor Guerrero/Pasco County**

*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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### HB 3513 Amendments

#### Amendment 142669

*Adopted Without Objection*

### Appearances:

HB 3513 (Bill and Am)

Mallette, Kelly (Lobbyist) - Waive In Support

104 W. Jefferson Street

Tallahassee FL 32301

Phone: 850-224-3427

HB 3513

Unger, Jason (Lobbyist) - Waive In Support

GrayRobinson

301 S. Bronough St.

Tallahassee FL 32301

Phone: 850-577-9090

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	<u>  y  </u>	(Y/N) 4/7/15
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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

**Amendment (with title amendment)**

Remove lines 75-80 and insert:

3  
 4  
 5  
 6 and to draw a warrant payable to Lara Guerrero, as personal  
 7 representative of the Estate of Victor Guerrero in the amount of  
 8 \$1,500,000, which shall be apportioned as follows: to the Estate  
 9 of Victor Guerrero in the amount of \$90,000, to Lara Guerrero in  
 10 the amount of \$405,000, to Kevin Guerrero in the amount of  
 11 \$345,000, to Michael Guerrero in the amount of \$330,000, and to  
 12 David Guerrero in the amount of \$330,000, as compensation for  
 13 injuries and damages sustained as a result of the death of  
 14 Victor Guerrero.

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Amendment No. 1

**T I T L E   A M E N D M E N T**

Remove lines 2-67 and insert:

An act for the relief of the Estate of Victor Guerrero by Pasco County; providing for an appropriation to compensate the Guerrero family for Officer Guerrero's death, which was the result of negligence by an employee of Pasco County; providing that the appropriation settles all present and future claims relating to the death of Officer Guerrero; providing a limitation on fees and costs; providing an effective date.

WHEREAS, on May 1, 2008, Victor Guerrero, a veteran of the United States Marine Corps and a decorated, 20-year veteran of the City of Tampa Police Department, was riding his motorcycle to visit his mother on his day off from work, and

WHEREAS, Officer Guerrero was traveling southbound on U.S. 41, about 1 mile north of S.R. 52, which is a straightaway with no obstructions, and

WHEREAS, at the same time, Pasco County employee Daniel Whipple was driving a Pasco County vehicle northbound on U.S. 41, and

WHEREAS, as Officer Guerrero approached Mr. Whipple, Mr. Whipple made a left hand turn directly into the path of Officer Guerrero, and



Amendment No. 1

43 WHEREAS, an accident reconstruction expert estimated that  
44 Officer Guerrero was about 100 feet away when Mr. Whipple, who  
45 claimed that he never saw Officer Guerrero, made the turn, and

46 WHEREAS, Officer Guerrero had no time to brake or swerve  
47 and struck the side of Mr. Whipple's truck and was ejected from  
48 the motorcycle, and

49 WHEREAS, Officer Guerrero was airlifted to St. Joseph's  
50 Hospital in Tampa, where he was pronounced dead, and

51 WHEREAS, the Pasco County Driver Safety Review Board  
52 investigated the accident and determined that Mr. Whipple was at  
53 fault, citing carelessness, and

54 WHEREAS, after the accident, Officer Guerrero's widow, Lara  
55 Guerrero, was unable to return to her job at Home Depot due to  
56 severe emotional distress, and was prescribed anti-depressant  
57 medication to assist her in dealing with her loss, and

58 WHEREAS, Officer Guerrero left behind three sons, Michael,  
59 David, and Kevin, who were 21, 19, and 15, respectively, at the  
60 time of the accident, and

61 WHEREAS, Lara Guerrero, as personal representative of the  
62 Estate of Victor Guerrero, filed a law suit against Pasco County  
63 in the Circuit Court of the Sixth Judicial Circuit in Pasco  
64 County, and

65 WHEREAS, on February 10, 2012, the jury in the case  
66 returned a verdict for \$7,845,127.30 in favor of the Estate of  
67 Victor Guerrero, which was reduced 10 percent for comparative  
68 negligence for Officer Guerrero's failure to wear a helmet,



Amendment No. 1

69 leaving a total verdict of \$7,060,614.57, plus interest at the  
70 statutory rate of 4.75 percent per annum, and

71 WHEREAS, the amount awarded by the jury includes economic  
72 damages of \$1,095,127.30, which were stipulated to by the  
73 parties and include damages for future loss of income and  
74 funeral expenses, damages representing loss of support for Lara  
75 Guerrero, and damages representing loss of support for Kevin  
76 Guerrero, and

77 WHEREAS, the amount awarded by the jury also includes \$1.5  
78 million for Lara Guerrero for loss of her husband's  
79 companionship and protection and for her pain and suffering, and  
80 \$1.75 million for each of Officer Guerrero's sons for loss of  
81 parental companionship, instruction, and guidance and for their  
82 pain and suffering, and

83 WHEREAS, Pasco County has paid \$186,776.38 of the final  
84 judgment, and

85 WHEREAS, on March 6, 2015, Pasco County and the Guerrero  
86 family reached a settlement in this matter for the payment of  
87 1.5 million in addition to the amount previously paid, NOW,  
88 THEREFORE,

89

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

**4/7/2015 4:30:00PM**

**Location:** Sumner Hall (404 HOB)

**HB 3519 : Relief/Joseph Stewart & Audrey Stewart/City of Jacksonville**

*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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### HB 3519 Amendments

#### Amendment 594453

*Adopted Without Objection*

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM





Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION y (Y/N) 4/6/15

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

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

**Amendment**

Remove lines 82-91 and insert:

appropriated and to draw a warrant in the sum of \$1.2 million,  
less the amount paid for repayment of Medicaid liens, payable to  
the Aubrey Javaris Stewart Special Needs Trust, by the first  
November 1 after the passage of this act as compensation for  
injuries and damages sustained as a result of the negligence of  
the City of Jacksonville. In addition, the City of Jacksonville  
is further authorized and directed to appropriate from funds of  
the city not otherwise appropriated and to draw a warrant in the  
sum of \$1 million payable to the Aubrey Javaris Stewart Special  
Needs Trust, 1 year from the first payment; the sum of

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3521 : Relief/Ronald Miller/City Of Hollywood**

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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### HB 3521 Amendments

#### Amendment 337153

Adopted Without Objection

### Appearances:

HB 3521

Unger, Jason (Lobbyist) - Waive In Support

Gray Robinson

301 S. Bronough St.

Tallahassee FL

Phone: 850-577-9090

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

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**T I T L E   A M E N D M E N T**

Remove line 12 and insert:

WHEREAS, at that time Robert Mettler, a City of Hollywood

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

Location: Sumner Hall (404 HOB)

HB 3523 : Relief/Mark T. Sawicki & Sharon L. Sawicki/City of Tallahassee

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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### HB 3523 Amendments

#### Amendment 785701

Adopted Without Objection

### Appearances:

HB 3523

Fonvielle, David - Waive In Support

Attorney

3375-A Capital Circle NE

Tallahassee FL 32308

Phone: 850-422-7773

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

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**T I T L E   A M E N D M E N T**

Remove line 16 and insert:

8       WHEREAS, Mark T. Sawicki was stopped at a red light at the  
 9 intersection of

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

**4/7/2015 4:30:00PM**

**Location:** Sumner Hall (404 HOB)

**HB 3527 : Relief/Asia Rollins/Public Health Trust of Miami-Dade County**

*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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

**HB 3527 Amendments**

**Amendment 201625**

*Adopted Without Objection*

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment**

Remove line 58 and insert:

6 lobbying fees, costs, and other similar expenses relating to  
 7 this claim may not exceed 25 percent of

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3531 : Relief/Sharon Robinson/Central Florida Regional Transportation Authority**

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				
	<b>Total Yeas: 11</b>	<b>Total Nays: 1</b>			

### HB 3531 Amendments

#### Amendment 859723

Adopted Without Objection

### Appearances:

HB 3531

Markman, Jeremy - Proponent

941 Lake Baldwin Lane

Orlando FL 32814

Phone: 407-447-0848

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM





Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N) 4/7/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

Remove lines 67-80 and insert:

6 Section 2. The Central Florida Regional Transportation  
 7 Authority is authorized and directed to appropriate from funds  
 8 of the authority not otherwise appropriated and to draw a  
 9 warrant, payable to Sharon Robinson, individually, as guardian  
 10 of Mark Robinson and as personal representative for the Estate  
 11 of Matthew Robinson, for the total amount of \$3 million as  
 12 compensation for injuries and damages sustained as a result of  
 13 the negligence of an employee of the Central Florida Regional  
 14 Transportation Authority.

15 Section 3. The warrant shall be drawn to Sharon and Mark  
 16 Robinson's attorneys to be placed in the Florida Bar Interest on  
 17 Trust Accounts (IOTA) program for the benefit of Sharon



Amendment No. 1

18 Robinson, as the personal representative of the Estate of  
19 Matthew Robinson, for a reduced statutory fee after attorney  
20 fees and costs pursuant to s. 733.617(2), Florida Statutes, in  
21 the amount of 3 percent of the first \$1 million and 2.5 percent  
22 of the remainder, reducing the fee to \$58,529.34. The payment to  
23 Sharon Robinson, as mother individually, will be 37.5 percent of  
24 the remainder or \$821,838.99; to Warren Robinson, as father  
25 individually, 2.8 percent of the remainder or \$61,250.00; and  
26 for Mark Robinson in the amount of 59.7 percent of the remainder  
27 or \$1,308,481.67, to be placed in a trust account, guardianship,  
28 or structure to provide income, protect from wasteful  
29 dissipation, and provide protection of the assets for the  
30 benefit of Mark Robinson; for a total in the sum of \$3 million.  
31 The Central Florida Regional Transportation Authority is  
32 directed to pay the same out of funds not otherwise  
33 appropriated. The remainder of the total shall be paid to  
34 reimburse for taxable costs and fees. Lobbying and attorney fees  
35 shall be prorated and may not exceed 25 percent.

36  
37 -----  
38 **T I T L E   A M E N D M E N T**

39 Remove line 5 and insert:

40 Robinson; authorizing the Central Florida Regional  
41 Transportation Authority to make an appropriation from funds of  
42 the authority not otherwise appropriated to compensate her

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3533 : Relief/Estate of Manuel Antonio Matute/Palm Beach County Sheriff's Office**

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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### HB 3533 Amendments

#### Amendment 470931

Adopted Without Objection

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

Remove line 53 and insert:

\$371,850.98 to Eddna Torres de Mayne, as personal representative

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

Remove line 3 and insert:

Manuel Torres, Eddna Torres de Mayne, Lansky Torres,

Remove line 25 and insert:

Torres de Mayne, brought a wrongful-death action against the

Remove line 33 and insert:

\$500,000 and Ms. Torres de Mayne, as personal representative of

Remove line 37 and insert:

Office tendered to Ms. Torres de Mayne, as personal



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 3533 (2015)

Amendment No. 1

18 Remove line 41 and insert:

19 WHEREAS, Ms. Torres de Mayne, as personal representative of

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3543 : Relief/Roy Wright & Ashley Wright/North Brevard County Hospital District**

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				
<b>Total Yeas: 11</b>					
		<b>Total Nays: 1</b>			

### HB 3543 Amendments

#### Amendment 385787

Adopted Without Objection

### Appearances:

HB 3543

Ogle, William - Proponent

Attorney

444 Seabreeze Ave. Suite 800

Daytona Beach FL 32118

Phone: 386-299-7949

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

6 Section 1. The facts stated in the preamble to this act  
7 are found and declared to be true.

8 Section 2. The North Brevard County Hospital District is  
9 authorized and directed to appropriate from funds of the  
10 district not otherwise appropriated and to draw a warrant,  
11 payable to Roy Wright and Ashley Wright, individually and as  
12 guardians for Tucker Wright, for the total amount of \$395,000 as  
13 compensation for injuries and damages sustained by Tucker Wright  
14 as a result of the negligence of Parrish Medical Center.

15 Section 3. The total amount paid for attorney fees,  
16 lobbying fees, costs, and other similar expenses relating to



Amendment No. 1

17 this claim may not exceed 25 percent of the amount awarded under  
18 this act.

19 Section 4. The amount paid by the North Brevard County  
20 Hospital District pursuant to s. 768.28, Florida Statutes, and  
21 the amount awarded under this act are intended to provide the  
22 sole compensation for all present and future claims arising out  
23 of the factual situation described in this act which resulted in  
24 the injuries to Tucker Wright.

25 Section 5. This act shall take effect upon becoming a law.  
26

27 -----

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

29 Remove everything before the enacting clause and insert:  
30 An act for the relief of Roy Wright and Ashley Wright by the  
31 North Brevard County Hospital District; providing for an  
32 appropriation to compensate Roy Wright and Ashley Wright,  
33 individually and as guardians of Tucker Wright, for injuries and  
34 damages sustained by Tucker Wright as a result of the negligence  
35 of Parrish Medical Center; providing a limitation on the payment  
36 of fees and costs; providing that certain payments and the  
37 appropriation satisfy all present and future claims related to  
38 the negligent act; providing an effective date.  
39

40 WHEREAS, on July 15, 2009, Ashley Wright, suffering from  
41 gestational diabetes, was admitted as a high-risk obstetrical





Amendment No. 1

42 patient at Parrish Medical Center, operated by the North Brevard  
43 County Hospital District, in Titusville, Florida, and

44 WHEREAS, mothers with gestational diabetes are classified  
45 as high-risk obstetrical patients because their fetuses tend to  
46 be larger than normal and large fetuses are at risk for  
47 complications during the birth process, and

48 WHEREAS, Ashley Wright's care at Parrish Medical Center was  
49 provided by Vidya Hate, M.D., an obstetrician, and Cara Starkey,  
50 R.N., a midwife, both employees of Parrish Medical Center, and

51 WHEREAS, on July 16, 2009, Ashley Wright was in labor with  
52 her unborn child, Tucker Wright, and Nurse Starkey failed to  
53 notify Dr. Hate of the impending delivery as previously  
54 instructed and delivered Tucker Wright herself without the  
55 presence, supervision, or assistance of Dr. Hate, and

56 WHEREAS, complications arose during the delivery, and  
57 Tucker Wright developed shoulder dystocia, a condition in which  
58 the shoulder of a fetus becomes wedged on the mother's pelvic  
59 bone as the fetus transits the birth canal, which condition is a  
60 known and recognized risk for mothers with gestational diabetes,  
61 and

62 WHEREAS, Nurse Starkey attempted to resolve the shoulder  
63 dystocia by performing a McRoberts maneuver and a procedure in  
64 which the shoulders of a fetus are gently rotated by hand  
65 underneath the shoulders, allowing the shoulders to pass  
66 underneath the pelvic bone and out through the birth canal, and



Amendment No. 1

67           WHEREAS, Nurse Starkey negligently rotated the head of the  
68 fetus on the perineum, causing a brachial plexus injury to  
69 Tucker Wright which injured his right arm and will limit his  
70 activities and future career options, and

71           WHEREAS, all parties to this claim agree that rotation of  
72 the head of a fetus on the perineum is an improper maneuver  
73 because rotation of the head with pressure can stretch and  
74 damage the nerves in a fetus's neck which control the use of  
75 muscles in the arm, and

76           WHEREAS, Tucker Wright has undergone two surgeries on his  
77 right shoulder and regained some use of his right arm but  
78 continues to be challenged with functional deficits that may be  
79 permanent, and

80           WHEREAS, Roy Wright and Ashley Wright have incurred medical  
81 expenses on behalf of Tucker Wright in the amount of \$320,016.91  
82 due to the injury caused by the negligence of Parrish Medical  
83 Center, and may incur additional expenses for surgeries needed  
84 as Tucker Wright grows older, and

85           WHEREAS, on January 11, 2012, Roy Wright and Ashley Wright,  
86 individually and as guardians of Tucker Wright, filed suit  
87 against the North Brevard County Hospital District in the  
88 Circuit Court for Brevard County, Case No. 05-2012-CA-024060, to  
89 recover damages for the injuries sustained by Tucker Wright as a  
90 result of the negligence of Parrish Medical Center, and



Amendment No. 1

91 WHEREAS, the North Brevard County Hospital District, Roy  
92 Wright, and Ashley Wright agreed to settle the lawsuit for  
93 \$595,000, and

94 WHEREAS, the North Brevard County Hospital District paid  
95 \$200,000 of the settlement pursuant to the statutory limits of  
96 liability set forth in s. 768.28, Florida Statutes, and there  
97 remains \$395,000 of the settlement unsatisfied, and

98 WHEREAS, the North Brevard County Hospital District does  
99 not oppose passage of this claim bill, NOW, THEREFORE,

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3547 : Relief/Javier Soria/Palm Beach County**

*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				
	<b>Total Yeas: 11</b>	<b>Total Nays: 1</b>			

### HB 3547 Amendments

#### Amendment 849699

*Adopted Without Objection*

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

6 Section 1. The facts stated in the preamble to this act  
7 are found and declared to be true.

8 Section 2. Palm Beach County is authorized and directed to  
9 appropriate from funds of the county not otherwise appropriated  
10 and to draw a warrant in the sum of \$101,800, payable to Javier  
11 Soria as compensation for injuries and damages sustained.

12 Section 3. The amount paid by Palm Beach County pursuant  
13 to s. 768.28, Florida Statutes, and the amount awarded under  
14 this act are intended to provide the sole compensation for all  
15 present and future claims against Palm Beach County arising out  
16 of the factual situation described in this act which resulted in  
17 the injuries to Javier Soria. The total amount paid for attorney



Amendment No. 1

18 fees, lobbying fees, costs, and other similar expenses relating  
19 to this claim may not exceed 25 percent of the total amount  
20 awarded under this act.

21 Section 4. This act shall take effect upon becoming a law.  
22

23 -----  
24 **T I T L E A M E N D M E N T**

25 Remove everything before the enacting clause and insert:  
26 An act for the relief of Javier Soria by Palm Beach County;  
27 providing for an appropriation to compensate him for injuries  
28 sustained as a result of negligence by an employee of Palm Beach  
29 County; providing a limitation on the payment of fees and costs;  
30 providing an effective date.  
31

32 WHEREAS, on April 17, 2007, 36-year-old Javier Soria was  
33 lawfully traveling on his motorcycle northbound in the center  
34 lane on SR 807 in Delray Beach in the 200 block of South  
35 Congress Avenue, and

36 WHEREAS, at the same time, an employee of Palm Beach  
37 County, Juan Sepeda Casas, was driving a Palm Beach County dump  
38 truck with a utility trailer in tow, and

39 WHEREAS, as Mr. Casas exited the Palm Beach County  
40 maintenance complex, he failed to stop at a stop sign, pulling  
41 out into the path of Mr. Soria and causing a violent collision  
42 between the two vehicles, and



Amendment No. 1

43 WHEREAS, the Palm Beach County truck continued forward,  
44 dragging Mr. Soria and the motorcycle under the dump truck for  
45 approximately 12 feet, and

46 WHEREAS, Mr. Casas was charged in the accident by the  
47 investigating law enforcement agency, the Delray Beach Police  
48 Department, and

49 WHEREAS, as a result of the collision, Mr. Soria sustained  
50 severe head trauma, including a subarachnoid hemorrhage, a  
51 right-elbow fracture, deep lacerations requiring wound  
52 debridement, multiple abrasions to his face, hands, legs, and  
53 arms, upper-back pain, low-back disc herniation, left-hip pain,  
54 right-wrist pain, right-shoulder pain, and a right-knee linear  
55 tear that required bracing, physical therapy, and surgery, and

56 WHEREAS, Mr. Soria has undergone numerous surgical  
57 procedures, including irrigation debridement with placement of a  
58 temporary external fixator across the elbow joint, subsequent  
59 removal of the external fixator, and open reduction internal  
60 fixation on ulnar fractures, and

61 WHEREAS, Mr. Soria needs additional surgery to his right  
62 elbow, including elbow fusion or total elbow replacement;  
63 surgeries to his right wrist and shoulder; and arthroscopic  
64 surgery to his right knee; and is a candidate for total knee  
65 replacement in the future, and

66 WHEREAS, Mr. Soria suffers from multiple neurological  
67 injuries that cause chronic headaches, low-back pain, vision  
68 problems, sleep disturbance, depression, memory loss, anxiety,

849699 - h3547 - strike.docx

Published On: 4/6/2015 7:03:35 PM



Amendment No. 1

69 dizziness, tiredness, buzzing in the ears, numbness, tingling,  
70 and knee pain, which limit his routine daily activities, and

71 WHEREAS, according to American Medical Association  
72 guidelines, Mr. Soria's treating neurologist, Dr. Waden Emery,  
73 has assigned him a 31 percent impairment rating with 5 percent  
74 for headaches, 14 percent for lumbar radiculopathy, 5 percent  
75 for insomnia, and 10 percent for anxiety, and

76 WHEREAS, Mr. Soria's treating orthopedist, Dr. Fernando  
77 Moya, has assigned him a 39 percent whole person orthopedic  
78 disability impairment rating, which includes 36 percent for  
79 injuries to the right elbow, 6 percent for injuries to the right  
80 knee, 6 percent for injuries to the lumbar spine, and 5 percent  
81 for injuries to the right wrist, and

82 WHEREAS, Mr. Soria's medical expenses have totaled  
83 approximately \$200,254, and experts in life care planning and  
84 economics have determined that his future medical expenses are  
85 approximately \$640,000, and past and future lost earnings total  
86 approximately \$478,000, with total economic damages exceeding  
87 \$1.3 million, and

88 WHEREAS, Mr. Soria's injuries resulted in permanent  
89 cognitive impairment, with the neuropsychological assessment of  
90 Dr. Robert Brick concluding that Mr. Soria suffers from post-  
91 traumatic stress disorder, memory loss, poor management and  
92 organizational skills, mood swings, daily headaches, constant  
93 ringing in his ears, insomnia, panic attacks, and amnesia that  
94 require cognitive therapy, and

849699 - h3547 - strike.docx

Published On: 4/6/2015 7:03:35 PM





Amendment No. 1

95 WHEREAS, Mr. Soria continues to suffer from pain and  
96 instability in his head, neck, back, body, and limbs and, in  
97 addition, continues to suffer from severe depression brought  
98 about by his pain, suffering, disability, and limitations, all  
99 of which are a direct result of the accident, and

100 WHEREAS, before the accident, Mr. Soria was in excellent  
101 physical condition and had dreams of one day opening his own  
102 martial arts studio and becoming a certified martial arts  
103 instructor, and

104 WHEREAS, Mr. Soria's three children have a corresponding  
105 right of action and claim given that Mr. Soria is now  
106 permanently disabled with physical limitations and injuries and  
107 cognitive restrictions and depression that limit his ability to  
108 provide the companionship and support that he was once capable  
109 of providing his family, and

110 WHEREAS, a settlement was reached between Mr. Soria, his  
111 three children, and Palm Beach County in the amount of \$300,000,  
112 which is in addition to an \$1,800 property damage claim  
113 previously paid by Palm Beach County related to the accident,  
114 and

115 WHEREAS, Palm Beach County paid the claimants a total of  
116 \$200,000 under the statutory limits of liability per occurrence  
117 set forth in s. 768.28, Florida Statutes, which fully satisfied  
118 the loss of consortium claims of each of the three children, and



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 3547 (2015)

Amendment No. 1

119 WHEREAS, Palm Beach County has agreed to and pledged its  
120 support for a claim bill in the amount of \$101,800, NOW,  
121 THEREFORE,  
122

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3549 : Relief/Monica Cantillo Acosta & Luis Alberto Cantillo Acosta/Miami-Dade County**

*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				
	<b>Total Yeas: 11</b>	<b>Total Nays: 1</b>			

### HB 3549 Amendments

#### Amendment 815053

*Adopted Without Objection*

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

-----

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

Remove line 12 and insert:

WHEREAS, on November 12, 2004, at approximately 2:28 p.m.,

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3555 : Relief/Michael Rardin/North Broward Hospital District**

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				
	<b>Total Yeas: 11</b>	<b>Total Nays: 1</b>			

### HB 3555 Amendments

#### Amendment 672381

Adopted Without Objection

### Appearances:

HB 3555

Unger, Jason (Lobbyist) - Waive In Support

Gray Robinson

301 S. Bronough St. 600

Tallahassee FL

Phone: 850-577-9090

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N) 4/7/15
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

Remove lines 87-88 and insert:

Rardin and Patricia Rardin, as compensation for the catastrophic injuries and damages they sustained.

-----

**T I T L E   A M E N D M E N T**

Remove lines 2-69 and insert:

An act for the relief of Michael and Patricia Rardin by the North Broward Hospital District; providing for an appropriation to compensate Michael and Patricia Rardin for injuries sustained as a result of the negligence of the North Broward Hospital



Amendment No. 1

17 District; providing a limitation on the payment of fees and  
18 costs; providing an effective date.

19  
20 WHEREAS, on July 14, 2011, Michael Rardin, a 42-year-old  
21 construction company employee earning a six-figure salary,  
22 visited the emergency room at the North Broward Medical Center,  
23 which is owned and operated by the North Broward Hospital  
24 District, complaining of chest pain, shortness of breath for the  
25 prior 2 weeks, and the need to sleep during the day, and

26 WHEREAS, based on Mr. Rardin's alarming vital signs, he was  
27 triaged as a priority 1/critical patient, and

28 WHEREAS, Mr. Rardin was evaluated by Susan Nesselroth,  
29 M.D., at 2:04 p.m., who noted that his chief complaint was  
30 persistent shortness of breath with an associated cough, and

31 WHEREAS, Dr. Nesselroth ordered an oxygen saturation  
32 monitor, which reported a critical oxygen saturation level of 53  
33 percent, and a nonrebreather mask with supplemental oxygen, and

34 WHEREAS, Mr. Rardin was to be monitored in the emergency  
35 department, and

36 WHEREAS, in violation of the standard of care, Mr. Rardin,  
37 a priority 1/critical patient, was not placed on a centrally  
38 monitored respiratory or cardiac monitor, and

39 WHEREAS, a chest x-ray was performed, which indicated a  
40 left lower lobe infiltrate, and Dr. Nesselroth's diagnostic  
41 impression was left lower lobe pneumonia and hypoxia, and



Amendment No. 1

42 WHEREAS, Mr. Rardin proceeded to progressively deteriorate  
43 for about the following 2 hours, and

44 WHEREAS, at 3:57 p.m., Dr. Nesselroth was called to Mr.  
45 Rardin's bedside and a nurse noted increased respiratory  
46 distress and difficulty arousing Mr. Rardin, and

47 WHEREAS, at Mr. Rardin's bedside, Dr. Nesselroth evaluated  
48 him as unresponsive, diaphoretic, and as having agonal  
49 respirations, and

50 WHEREAS, in violation of the standard of care, Mr. Rardin  
51 was not intubated until about 2 hours after Dr. Nesselroth's  
52 initial evaluation that indicated critical oxygen values, and

53 WHEREAS, at 4:05 p.m., the first of two intubation attempts  
54 resulted in an esophageal intubation, where oxygen was being  
55 delivered to Mr. Rardin's stomach rather than his lungs, and

56 WHEREAS, as a result of the faulty intubation, Mr. Rardin  
57 became asystolic and a code was called, which led to the  
58 administration of cardiopulmonary resuscitation (CPR) and  
59 Advance Life Support (ALS) efforts, and

60 WHEREAS, by the time hospital personnel were able to  
61 successfully intubate Mr. Rardin he had suffered a serious and  
62 permanent hypoxic brain injury due to the length of time,  
63 approximately 10 minutes, during which his brain did not receive  
64 sufficient oxygen, and

65 WHEREAS, as a result of the hospital personnel's negligent  
66 failure to monitor and timely intubate Mr. Rardin, he now  
67 suffers from a permanent brain injury and symptoms such as





Amendment No. 1

68 visual disturbances, short-term memory loss, and severe  
69 depression, and

70 WHEREAS, as a result of the hospital personnel's negligent  
71 failure to monitor and timely intubate Mr. Rardin, he can no  
72 longer support his family or provide the company and affection  
73 that he otherwise would have provided to his wife, Patricia  
74 Rardin, and their two minor children, Emily and Kayla Rardin,  
75 and

76 WHEREAS, a tort claim was filed on behalf of Michael and  
77 Patricia Rardin, Case No. 12-034723(13), in the 17th Judicial  
78 Circuit, and

79 WHEREAS, the North Broward Hospital District and Mr. and  
80 Mrs. Rardin

# COMMITTEE MEETING REPORT

## Civil Justice Subcommittee

4/7/2015 4:30:00PM

**Location:** Sumner Hall (404 HOB)

**HB 3557 : Relief/Maricelly Lopez/City of North Miami**

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				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

### HB 3557 Amendments

#### Amendment 571745

Adopted Without Objection

### Appearances:

HB 3557 (Bill and Am)

Mallette, Kelly (Lobbyist) - Waive In Support

City of North Miami

104 W Jefferson St.

Tallahassee FL 32301

Phone: 850-224-3427

HB 3557

Carroll, Sarah (Lobbyist) - Waive In Support

123 S. Adams St.

Tallahassee FL 32301

Phone: 850-671-4401

Committee meeting was reported out: Tuesday, April 07, 2015 8:07:10PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N) 4/7/15
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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

**Amendment (with title amendment)**

Remove line 70 and insert:

\$200,000.00 payable to Maricelly Lopez, individually and as

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

Remove lines 59-61 and insert:

WHEREAS, on March 24, 2015, the City of North Miami passed  
 a resolution unanimously authorizing the settlement of the claim  
 for \$200,000, and supporting the passage of a claim bill in that  
 amount for Maricelly Lopez, individually and as personal  
 representative of Omar Mieles, and

WHEREAS, the City of North Miami and Maricelly Lopez have  
 agreed to settle the claim for \$200,000, NOW, THEREFORE,