



Civil Justice & Claims Subcommittee

January 26, 2017

9:00 AM

404 HOB

Action Packet

Richard Corcoran
Speaker

Heather Fitzenhagen
Chair

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

1/26/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice & Claims Subcommittee

Thursday January 26, 2017 09:00 am

HB 65 Favorable

Yeas: 15 Nays: 0

HB 151 Favorable With Committee Substitute

Yeas: 15 Nays: 0

Amendment 970811 Adopted Without Objection

Committee meeting was reported out: Thursday, January 26, 2017 11:40:39AM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

1/26/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Heather Fitzenhagen (Chair)	X		
Daniel Burgess, Jr.	X		
Colleen Burton	X		
Cord Byrd	X		
John Cortes	X		
Ben Diamond	X		
Jay Fant	X		
Erin Grall	X		
Shawn Harrison	X		
George Moraitis, Jr.	X		
Sean Shaw	X		
Cynthia Stafford	X		
Jackie Toledo	X		
Barbara Watson	X		
Frank White	X		
Totals:	15	0	0

Committee meeting was reported out: Thursday, January 26, 2017 11:40:39AM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

1/26/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 65 : Civil Remedies for Terrorism

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

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

Committee meeting was reported out: Thursday, January 26, 2017 11:40:39AM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

1/26/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 151 : Proceedings Involving Minors or Persons With Intellectual Disabilities

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Daniel Burgess, Jr.	X				
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X				
Erin Grall	X				
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford	X				
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
Total Yeas: 15		Total Nays: 0			

HB 151 Amendments

Amendment 970811

Adopted Without Objection

Appearances:

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

Abramowitz, Alan (Lobbyist) - Information Only
 Statewide Guardian ad Litem Office
 600 S Calhoun St Holland Bldg Ste 274
 Tallahassee FL 32399
 Phone: (850) 922-7213

Mitchell, Chuck (General Public) - Proponent
 Tallahassee Memorial Healthcare Animal Therapy Program
 3890 Tan Mouse Road
 Tallahassee Florida 32309
 Phone: 566-1600

Committee meeting was reported out: Thursday, January 26, 2017 11:40:39AM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

1/26/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

Presentation/Workshop/Other Business Appearances:

Gerber, Jonathan (State Employee) - Information Only
Fourth District Court of Appeal
Judge
1525 Palm Beach Lakes Blvd.
West Palm Beach Florida 33401
Phone: 561-242-2053

Mahon, Mark (State Employee) - Information Only
Fourth Judicial Circuit
Chief Judge
501 W. Adams St.
Jacksonville FL 32202
Phone: 904-255-1229

Judicial Timeliness

Tomasino, John (State Employee) (General Public) - Information Only
Florida Supreme Court
500 S. Duval St.
Tallahassee FL 32399
Phone: 850-488-0125

Judicial Timeliness

Roundtree, Robert (State Employee) - Information Only
Chief Judge, 8th Circuit
201 E University Avenue
Gainesville FL 32601
Phone: 352-318-2403

Committee meeting was reported out: Thursday, January 26, 2017 11:40:39AM

AWD



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 151 (2017)

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 _____

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
2 Subcommittee

3 Representative Brodeur offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (5) of section 92.55, Florida
8 Statutes, is amended to read:

9 92.55 Judicial or other proceedings involving victim or
10 witness under the age of 18, a person who has an intellectual
11 disability, or a sexual offense victim or witness; special
12 protections; use of ~~registered~~ service animals, ~~or~~ therapy
13 animals, or facility dogs.

14 (5) The court may set any other conditions it finds just
15 and appropriate when taking the testimony of a ~~child victim or~~
16 ~~witness or a sexual offense victim or witness~~ victim or witness

970811 - h0151-strike.docx

Published On: 1/25/2017 11:59:12 AM



Amendment No. 1

17 under the age of 18, a person who has an intellectual
18 disability, or a sexual offense victim or witness, including the
19 use of a service animal, ~~or~~ therapy animal, or facility dog that
20 has been evaluated and registered according to national
21 standards, in any proceeding involving a sexual offense or child
22 abuse, abandonment, or neglect.

23 (a) When deciding whether to permit a victim or witness
24 under the age of 18, a person who has an intellectual
25 disability, or a sexual offense victim or witness ~~child victim~~
26 ~~or witness or sexual offense victim or witness~~ to testify with
27 the assistance of a ~~registered~~ service animal, ~~or~~ therapy animal,
28 or facility dog, the court shall consider the age of the child
29 victim or witness, the age of the sexual offense victim or
30 witness at the time the sexual offense occurred, the interests
31 of the child victim or witness or sexual offense victim or
32 witness, the rights of the parties to the litigation, and any
33 other relevant factor that would facilitate the testimony by the
34 victim or witness under the age of 18, a person who has an
35 intellectual disability, or a sexual offense victim or witness
36 ~~child victim or witness or sexual offense victim or witness.~~

37 (b) For purposes of this subsection the term:

38 1. "Service animal" means an animal as defined in s.
39 413.08.

40 2. "Therapy animal" means an animal that is not considered
41 a service animal but has been trained and passed a nationally



Amendment No. 1

42 recognized skills and aptitude evaluation by an organization
43 that certifies animals as appropriate to provide animal therapy.

44 3. "Facility dog" means a dog that has been trained,
45 evaluated, and certified as a facility dog pursuant to industry
46 standards and provides unobtrusive emotional support to children
47 and adults in facility settings.

48 Section 2. This act shall take effect July 1, 2017.

49
50 -----
51 **T I T L E A M E N D M E N T**

52 Remove everything before the enacting clause and insert:
53 An act relating to proceedings involving minors or persons with
54 intellectual disabilities; amending s. 92.55, F.S.; providing
55 that judges may allow the use of certain service animals,
56 therapy animals, or facility dogs in proceedings involving abuse
57 abandonment, or neglect; allowing such animals to be used when
58 taking the testimony of a person who has an intellectual
59 disability; providing an effective date.