



Civil Justice & Claims Subcommittee

February 16, 2017

9:00 AM

404 HOB

Action Packet

Richard Corcoran
Speaker

Heather Fitzenhagen
Chair

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice & Claims Subcommittee

Thursday February 16, 2017 09:00 am

HB 239	Favorable With Committee Substitute	Yeas: 14	Nays: 0
	Amendment 679387 Adopted Without Objection		
HB 377	Favorable With Committee Substitute	Yeas: 15	Nays: 0
	Amendment 972425 Adopted Without Objection		
HB 6011	Favorable	Yeas: 14	Nays: 1

Committee meeting was reported out: Thursday, February 16, 2017 2:12:28PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 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

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COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 239 : Public Records/Protective Injunction Petitions

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: 14		Total Nays: 0			

HB 239 Amendments

Amendment 679387

Adopted Without Objection

Committee meeting was reported out: Thursday, February 16, 2017 2:12:28PM



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WITHDRAWN	— (Y/N)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*

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

3 Representative Lee offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (k) is added to subsection (1) of
8 section 119.0714, Florida Statutes, to read:

9 119.0714 Court files; court records; official records.—

10 (1) COURT FILES.—Nothing in this chapter shall be
11 construed to exempt from s. 119.07(1) a public record that was
12 made a part of a court file and that is not specifically closed
13 by order of court, except:

14 (k)1. A petition, and the contents thereof, for an
15 injunction for protection against domestic violence, repeat
16 violence, dating violence, sexual violence, stalking, or



Amendment No. 1

17 cyberstalking that is dismissed without a hearing, dismissed at
18 an ex parte hearing due to failure to state a claim or lack of
19 jurisdiction, or dismissed for any reason having to do with the
20 sufficiency of the petition itself without an injunction being
21 issued on or after July 1, 2017, is exempt from s. 119.07(1) and
22 s. 24(a), Article I of the State Constitution.

23 2. A petition, and the contents thereof, for an injunction
24 for protection against domestic violence, repeat violence,
25 dating violence, sexual violence, stalking, or cyberstalking
26 that is dismissed without a hearing, dismissed at an ex parte
27 hearing due to failure to state a claim or lack of jurisdiction,
28 or dismissed for any reason having to do with the sufficiency of
29 the petition itself without an injunction being issued before
30 July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Article
31 I of the State Constitution only upon request by an individual
32 named in the petition as a respondent. The request must be in
33 the form of a signed, legibly written request specifying the
34 case name, case number, document heading, and page number. The
35 request must be delivered by mail, facsimile, or electronic
36 transmission or in person to the clerk of the court. A fee may
37 not be charged for such request.

38 Section 2. The Legislature finds that it is a public
39 necessity that a petition, and the contents thereof, for an
40 injunction for protection against domestic violence, repeat
41 violence, dating violence, sexual violence, stalking, or

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Amendment No. 1

42 cyberstalking that is dismissed without a hearing, dismissed at
43 an ex parte hearing due to failure to state a claim or lack of
44 jurisdiction, or dismissed for any reason having to do with the
45 sufficiency of the petition itself without an injunction being
46 issued be made exempt from s. 119.07(1), Florida Statutes, and
47 s. 24(a), Article I of the State Constitution. The Legislature
48 finds that the existence of, and the unverified allegations
49 contained in, such a petition may be defamatory to an individual
50 named in it and cause unwarranted damage to the reputation of
51 such individual. The Legislature further finds that removing
52 such a record from public disclosure is the sole means of
53 protecting the reputation of such individual.

54 Section 3. This act shall take effect July 1, 2017.

57 -----
58 **T I T L E A M E N D M E N T**

59 Remove everything before the enacting clause and insert:
60 An act relating to public records; amending s. 119.0714, F.S.;
61 providing an exemption from public record requirements for
62 petitions, and the contents thereof, for certain protective
63 injunctions that are dismissed in certain circumstances;
64 providing a statement of public necessity; providing an
65 effective date.

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 377 : Limitations on Actions other than for the Recovery of Real Property

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 377 Amendments

Amendment 972425

Adopted Without Objection

Appearances:

Limitations on Actions other than for the Recovery of Real Property

Bowen, Carol (Lobbyist) - Waive In Support
 Associated Builders & Contractors Florida East Coast Chapter
 Deputy Chief Lobbyist
 3730 Coconut Creek Pkwy Ste 200
 Coconut Creek FL 33066
 Phone: (954) 984-0075

Limitations on Actions other than for the Recovery of Real Property

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

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COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 377 : Limitations on Actions other than for the Recovery of Real Property (continued)

Appearances: (continued)

Limitations on Actions other than for the Recovery of Real Property

Hebrank, Kari (Lobbyist) - Waive In Support

Florida Home Builders Association

113 E College Ave Ste 200

Tallahassee FL 32301

Phone: (850) 514-5183

Limitations on Actions other than for the Recovery of Real Property

Watson, Richard (Lobbyist) - Waive In Support

Associated Builders & Contractors of Florida, Inc

Chief Counsel

PO Box 10038

Tallahassee FL 32302-20

Phone: (850) 222-0000

Limitations on Actions other than for the Recovery of Real Property

Murray, G. (Lobbyist) - Waive In Support

Florida Justice Association

Dep. General Counsel

218 S Monroe St

Tallahassee FL 32301

Phone: (305)469-5206

Committee meeting was reported out: Thursday, February 16, 2017 2:12:28PM



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)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER		

Adopted without objection

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

3 Representative Burgess offered the following:

4
5 **Amendment**

6 Remove lines 37-53 and insert:

7 employer, whichever date is latest. Completion of the contract
 8 means the latter of the date of final performance of all the
 9 contracted services or the date that final payment for such
 10 services becomes due without regard to the date final payment is
 11 made.

12 Section 2. This act applies to causes of action that
 13 accrue on or after July 1, 2017.

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 6011 : Tobacco Settlement Agreements

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: 14		Total Nays: 1			

Appearances:

Tobacco Settlement Agreements

Jordan, Matt (Lobbyist) - Waive In Support

American Cancer Society Cancer Action Network and its Affiliates
 GRD

2619 Centennial Blvd
 Tallahassee FL 32308
 Phone: (850) 519-2801

Tobacco Settlement Agreements

Teel, Keith (Lobbyist) - Opponent

Altria Client Services LLC and its Affiliates
 Covington & Burling LLP One City Center, 850 Tenth Street, NW
 Washington DC 20001
 Phone: (202) 662-5501

Tobacco Settlement Agreements

Bevis, Brewster (Lobbyist) - Opponent

Associated Industries of Florida
 Senior Vice President
 PO Box 784
 Tallahassee FL 32302
 Phone: (850) 224-7173

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 6011 : Tobacco Settlement Agreements (continued)

Appearances: (continued)

Tobacco Settlement Agreements

Jess, Paul (Lobbyist) - Waive In Support

Florida Justice Association

218 S Monroe St 218 S Monroe St

Tallahassee FL 32301-18

Phone: (850) 224-9403

Tobacco Settlement Agreements

Gustafson, Jim (General Public) - Proponent

Citizens Against Cigarette Manufacturers

President

1567 Cristobal Drive

Tallahassee FL 32303

Phone: 850-224-7600

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 6011 : Tobacco Settlement Agreements

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: 14		Total Nays: 1			

Appearances:

Tobacco Settlement Agreements

Jordan, Matt (Lobbyist) - Waive In Support

American Cancer Society Cancer Action Network and its Affiliates

GRD

2619 Centennial Blvd

Tallahassee FL 32308

Phone: (850) 519-2801

Tobacco Settlement Agreements

Teel, Keith (Lobbyist) - Opponent

Altria Client Services LLC and its Affiliates

Covington & Burling LLP One City Center, 850 Tenth Street, NW

Washington DC 20001

Phone: (202) 662-5501

Tobacco Settlement Agreements

Bevis, Brewster (Lobbyist) - Opponent

Associated Industries of Florida

Senior Vice President

PO Box 784

Tallahassee FL 32302

Phone: (850) 224-7173

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COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

2/16/2017 9:00:00AM

Location: Sumner Hall (404 HOB)

HB 6011 : Tobacco Settlement Agreements (continued)

Appearances: (continued)

Tobacco Settlement Agreements

Jess, Paul (Lobbyist) - Waive In Support

Florida Justice Association

218 S Monroe St 218 S Monroe St

Tallahassee FL 32301-18

Phone: (850) 224-9403

Tobacco Settlement Agreements

Gustafson, Jim (General Public) - Proponent

Citizens Against Cigarette Manufacturers

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