



Civil Justice & Claims Subcommittee

March 13, 2017

1:30 PM

404 HOB

Action Packet

**Richard Corcoran
Speaker**

**Heather Fitzenhagen
Chair**

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee
3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice & Claims Subcommittee

Monday March 13, 2017 01:30 pm

PCS for HB 267	Favorable	Yeas: 15	Nays: 0
PCS for HB 277	Favorable With Amendment(s)	Yeas: 12	Nays: 3
Amendment PCS for HB 277 a1	Adopted	Yeas: 8	Nays: 7
Amendment PCS for HB 277 a2	Failed to Adopt	Yeas: 7	Nays: 8
CS/HB 357	Favorable With Committee Substitute	Yeas: 15	Nays: 0
Amendment 034767	Adopted Without Objection		
HB 441	Favorable With Committee Substitute	Yeas: 15	Nays: 0
Amendment 820473	Adopted Without Objection		
PCS for HB 483	Favorable With Amendment(s)	Yeas: 15	Nays: 0
Amendment PCS for HB 483 Strike1	Adopted Without Objection		
HB 697	Favorable	Yeas: 9	Nays: 5
HB 6507	Favorable With Committee Substitute	Yeas: 14	Nays: 1
Amendment 467333	Adopted Without Objection		
HB 6525	Favorable With Committee Substitute	Yeas: 13	Nays: 1
Amendment 954515	Adopted Without Objection		
HB 6527	Temporarily Postponed		
HB 6535	Favorable With Committee Substitute	Yeas: 14	Nays: 1
Amendment 117289	Adopted Without Objection		
HB 6539	Favorable With Committee Substitute	Yeas: 13	Nays: 1
Amendment 916547	Adopted Without Objection		

Committee meeting was reported out: Monday, March 13, 2017 8:34PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

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

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

PCS for HB 267 : Estates

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:

Sarah Butters - Waive In Support
 Real Property Probate & Trust Law, FL Bar
 315 C Calhoun Street
 Tallahassee FL 32311

Kevin Cabrera (Lobbyist) - Waive In Support
 Family Law Section, Florida Bar
 123 Adams Street
 Tallahassee FL 32301
 Phone: 786-329-9080

Committee meeting was reported out: Monday, March 13, 2017 8:34PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

PCS for HB 277 : Electronic Wills

Favorable With Amendment(s)

	<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: 12		Total Nays: 3			

PCS for HB 277 Amendments

Amendment PCS for HB 277 a1

Adopted

	<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: 8		Total Nays: 7			

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

Adopted

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

3 Representative Diamond offered the following:

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

6 Remove lines 150-189 and insert:

7 732.525 Method and place of execution.—For purposes of ss.

8 732.521-732.527:

9 (1) Any requirement that a document be signed may be
10 satisfied by an electronic signature.

11 (2) A document that is signed electronically is deemed to
12

13 -----

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

15 Remove lines 12-14 and insert:

16 wills; creating s. 732.525, F.S.; providing

PCS for HB 277 a1

Published On: 3/11/2017 4:28:47 PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

PCS for HB 277 : Electronic Wills (continued)

PCS for HB 277 Amendments (continued)

Amendment PCS for HB 277 a2

Failed to Adopt

	<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: 7		Total Nays: 8			

Appearances:

PCS HB 277 a1

Miller, Shannon - Opponent
 Academy of Elder Law Attorneys
 Attorney
 1204 NW 69th Terrace
 Gainesville Florida 32606
 Phone: 352--266-2308

PCS for HB 277 a1

Pratt, Kenneth (Lobbyist) - Waive In Support
 Florida Bankers Association
 SVP of Florida Bankers Association
 1001 Thomasville Rd, Ste 201
 Tallahassee FL 32303
 Phone: 850-509-8020

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

Failed To Adopt

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

3 Representative Diamond offered the following:

4

5 **Amendment**

6 Remove lines 211-215 and insert:

7 probate of electronic wills is as provided in s. 733.101(1).

8

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

PCS for HB 277 : Electronic Wills (continued)

Appearances: (continued)

Electronic Wills

Hennessey, William - Waive In Opposition

Real Property Probate and Trust Law Section / FL Bar

777 S. Flagler Drive Suite 800 E

West Palm Beach FL 33411

Phone: 561-650-0663

PCS for HB 277 a1

Hennessey, William - Proponent

Real Property Probate and Trust Law Section / FL Bar

777 S. Flagler Drive Suite 800 E

West Palm Beach FL 33411

Phone: 561-650-0663

Electronic Wills

Barker, Dorene (Lobbyist) - Waive In Support

AARP

Associate State Director

200 W College Ave Suite 304

Tallahassee FL 32301

Phone: (850) 510-3145

Electronic Wills

Delgado, Michael - Waive In Support

Willing.Com

G.C.

8724 Sunset Srue

Miami FL 33173

Phone: 908-581-7222

Committee meeting was reported out: Monday, March 13, 2017 8:34PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

CS/HB 357 : Self-Service Storage Facilities

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			

CS/HB 357 Amendments

Amendment 034767

Adopted Without Objection

Appearances:

Salzverg, Joseph (Lobbyist) - Proponent
 Self Storage Association
 301 S Bronough St Suite 600
 Tallahassee FL 32301
 Phone: (850) 577-9090

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



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 Moraitis offered the following:

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

6 Between lines 78 and 79, insert:

7 Section 3. Paragraph (c) of subsection (2) of section
8 713.78, Florida Statutes, is amended to read:

9 713.78 Liens for recovering, towing, or storing vehicles
10 and vessels.—

11 (2) Whenever a person regularly engaged in the business of
12 transporting vehicles or vessels by wrecker, tow truck, or car
13 carrier recovers, removes, or stores a vehicle or vessel upon
14 instructions from:

15 (c) The landlord or a person authorized by the landlord,
16 when such motor vehicle or vessel remained on the premises after



Amendment No. 1

17 | the tenancy terminated and the removal is done in compliance
18 | with s. 83.806 or s. 715.104; or

19 |
20 | she or he shall have a lien on the vehicle or vessel for a
21 | reasonable towing fee and for a reasonable storage fee; except
22 | that no storage fee shall be charged if the vehicle is stored
23 | for less than 6 hours.

24 |

25 |



26 |

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

27 |

Remove line 12 and insert:

28 |

under certain conditions; amending s. 713.78, F.S.; amending

29 |

section on towing of a motor vehicle or watercraft to add a

30 |

cross-reference to conform to changes in this act; providing an

31 |

effective date.

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 441 : Court Records

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 441 Amendments

Amendment 820473

Adopted Without Objection

Appearances:

Baggett, Fred (Lobbyist) - Waive In Support
 Florida Association of Court Clerks & Comptrollers
 101 E College Ave 101 E College Ave
 Tallahassee FL 32301
 Phone: (850) 222-6891

Rutledge, Gary (Lobbyist) - Waive In Support
 Courthouse News Service
 119 S Monroe St Ste 202
 Tallahassee FL 32301
 Phone: (850) 681-6788

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



Amendment No. 2

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	<input type="checkbox"/>	

Adopted without objection

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

3 Representative Diamond offered the following:

4
5 **Amendment**

6 Remove lines 22-26 and insert:

7 (g) The clerk of the court is not liable for the release
 8 of information that is required by the Florida Rules of Judicial
 9 Administration to be identified by the filer as confidential if
 10 the filer fails to make the required identification of the
 11 confidential information to the clerk of the court.
 12

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

PCS for HB 483 : Estoppel Certificates

Favorable With Amendment(s)

	<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			

PCS for HB 483 Amendments

Amendment PCS for HB 483 Strike1

Adopted Without Objection

Appearances:

Scoggins, Danielle (Lobbyist) (General Public) - Waive In Support
 Florida Realtors
 200 S. Monroe Street
 Tallahassee FL 32301
 Phone: (850) 224-1400

John Kruegar - Proponent
 Associa
 VP Government Affairs
 5401 N Central Expwy, Suite 290
 Dallas TX 75205
 Phone: 214-272-4078

Book, Ronald (Lobbyist) - Proponent
 First Service Residential Florida, Inc
 18851 NE 29Th Ave Suite 1010
 Aventura FL 33180-28
 Phone: (305) 935-1866

Committee meeting was reported out: Monday, March 13, 2017 8:34PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

PCS for HB 483 : Estoppel Certificates (continued)

Appearances: (continued)

Pinsky, Richard (Lobbyist) - Proponent
Cyber Citizens for Justice, Inc.
106 E College Ave
Tallahassee FL 32301
Phone: (850) 224-9634

Moore, Travis (Lobbyist) - Proponent
First Service Residential Florida, Inc
Po Box 2020
St Petersburg FL 33731-20
Phone: (727) 421-6902

Anderson, Mark (Lobbyist) - Proponent
Chief Executive Officers of Management Companies
106 S Monroe St SUITE B
Tallahassee FL 32301
Phone: (813) 205-0658

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



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 Donalds offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (8) of section 718.116, Florida
8 Statutes, is amended to read:

9 718.116 Assessments; liability; lien and priority;
10 interest; collection.—

11 (8) An association shall designate, and provide when
12 requested, the name and physical or electronic address of a
13 person or entity to be responsible for receiving requests for
14 issuance of an estoppel certificate. In addition, associations
15 having a website shall make such information available thereon.
16 Upon receiving a written or electronic request for an estoppel

PCS for HB 483 Strikel

Published On: 3/9/2017 5:23:50 PM

Amendment No. 1

17 certificate from a unit owner, a unit owner's designee, a unit
18 mortgagee, or a unit mortgagee's designee, an association shall
19 issue such certificate to the requesting party within 10
20 business days. The estoppel certificate shall be delivered by
21 United States mail, by hand delivery, or by electronic
22 transmission, to the requesting party on the date of issuance.
23 For purposes of this section, deposit of the certificate in the
24 United States mail or the electronic delivery of a downloadable
25 link to the certificate, shall constitute delivery. Within 15
26 ~~days after receiving a written request therefor from a unit~~
27 ~~owner or his or her designee, or a unit mortgagee or his or her~~
28 ~~designee, the association shall provide a certificate signed by~~
29 ~~an officer or agent of the association stating all assessments~~
30 ~~and other moneys owed to the association by the unit owner with~~
31 ~~respect to the condominium parcel.~~

32 (a) The estoppel certificate must contain all of the
33 following information as set forth in the official records of
34 the association and may include additional information as
35 determined by the association:

- 36 1. Date of issuance;
- 37 2. Name of unit owner reflected in the books and records of
38 the association;
- 39 3. Unit designation and address;
- 40 4. Attorney's name and contact information if the account
41 is delinquent and has been turned over to an attorney for

PCS for HB 483 Strikel

Published On: 3/9/2017 5:23:50 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 483 (2017)

Amendment No. 1

42 collection;

43 5. Fee for the preparation and delivery of the estoppel
44 certificate;

45 6. Name of the requestor;

46 7. The amount and frequency of the regular periodic
47 assessment against the unit;

48 8. The date through which the regular periodic assessment
49 is paid;

50 9. The date upon which the next installment of the regular
51 periodic assessment is due;

52 10. An itemized list of all assessments , special
53 assessments, and other moneys owed by the unit owner to the
54 association on the date of issuance;

55 11. An itemized list of any additional assessments, special
56 assessments, and other moneys that are scheduled to become due
57 during the estoppel certificate's effective period that are
58 known on the date of issuance;

59 12. Whether there is a capital contribution fee, resale
60 fee, transfer fee, association application fee or other fee due
61 and, if so, the type and amount of the fee due;

62 13. Whether there are any open violations of the governing
63 documents or rules and regulations of the association noticed to
64 the unit owner in the association's official records;

65 14. The contact information for all insurance maintained by
66 the association; and

PCS for HB 483 Strikel

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Amendment No. 1

67 15. The signature of an officer or authorized agent of the
68 association. Any person other than the owner who relies upon
69 such certificate shall be protected thereby.

70 (b) An estoppel certificate that is hand delivered or sent
71 by electronic means has a 30-day effective period. An estoppel
72 certificate that is sent by regular mail has a 35-day effective
73 period. If additional information or a mistake related to the
74 estoppel certificate becomes known to the association within the
75 effective period, an amended estoppel certificate may be
76 delivered and becomes effective if a sale or refinancing of the
77 unit has not been completed during the effective period. A fee
78 may not be charged for such an amended estoppel certificate. An
79 amended estoppel certificate must be delivered on the date of
80 issuance, and a new 30-day or 35-day effective period begins on
81 such date.

82 (c) An association waives the right to collect any moneys
83 owed prior to the date of issuance in excess of the amounts
84 specified in the estoppel certificate from any person who, or on
85 whose behalf the certificate was requested, and from such
86 person's successors and assigns.

87 (d)-(b) A summary proceeding pursuant to s. 51.011 may be
88 brought to compel compliance with this subsection, and in any
89 such action the prevailing party is entitled to recover
90 reasonable attorney attorney's fees.

91 (e)-(e) Notwithstanding any limitation on transfer fees

PCS for HB 483 Strikel

Published On: 3/9/2017 5:23:50 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 483 (2017)

Amendment No. 1

92 contained in s. 718.112(2)(i), an ~~the~~ association or its
93 authorized agent may charge a reasonable fee for the preparation
94 and delivery of an estoppel certificate, which may not exceed
95 \$250 if, on the date the certificate is issued, no delinquent
96 amounts are owed to the association for the applicable unit. If
97 an estoppel certificate is requested on an expedited basis and
98 delivered within 3 business days after the request, the
99 association may charge an additional fee of \$100. If an estoppel
100 certificate is requested and delivered on a more expedited basis
101 which is less than 3 business days, the association may charge
102 such additional fee as the association and the party requesting
103 the estoppel certificate may mutually agree. If a delinquent
104 amount is owed to the association for the applicable unit, an
105 additional fee for the estoppel certificate may not exceed \$200
106 for the preparation of the certificate. The amount of the fee
107 must be included on the certificate.

108 (f) If an association receives a request for an estoppel
109 certificate from a unit owner or the unit owner's designee, or a
110 unit mortgagee or the unit mortgagee's designee, and fails to
111 deliver the estoppel certificate within 10 business days, a fee
112 may not be charged for the preparation and delivery of that
113 estoppel certificate.

114 (g) If estoppel certificates for multiple units owned by
115 the same owner are simultaneously requested from the same
116 association and there are no past due monetary obligations owed

PCS for HB 483 Strikel

Published On: 3/9/2017 5:23:50 PM

Amendment No. 1

117 to the association, the statement of moneys due for those units
118 may be delivered in one or more estoppel certificates, and, even
119 though the fee for each unit shall be computed as set forth in
120 paragraph (e), the total fee that the association may charge for
121 the preparation and delivery of the estoppel certificates may
122 not exceed, in the aggregate:

123 1. For 25 or fewer units, \$750.

124 2. For 26 to 50 units, \$1,000.

125 3. For 51 to 100 units, \$1,500.

126 4. For more than 100 units, \$2,500.

127 (h)-(d) The authority to charge a fee for the preparation
128 and delivery of the estoppel certificate ~~must~~ shall be
129 established by a written resolution adopted by the board or
130 provided by a written management, bookkeeping, or maintenance
131 contract and is payable at the time ~~upon the preparation of the~~
132 certificate is ordered. If a fee for an estoppel certificate is
133 paid in conjunction with the sale or mortgage of a unit but the
134 closing does not occur and no later than 30 days after the
135 closing date for which the certificate was sought the preparer
136 receives a written request, accompanied by reasonable
137 documentation that the closing sale did not occur from a payor
138 that is not the unit owner, then the fee shall be refunded to
139 that payor within 30 days after receipt of the request. The
140 refund is the obligation of the unit owner, and the association
141 may collect it from that owner in the same manner as an

PCS for HB 483 Strikel

Published On: 3/9/2017 5:23:50 PM

Amendment No. 1

142 assessment against the unit as provided in this chapter the
143 certificate is requested in conjunction with the sale or
144 mortgage of a unit but the closing does not occur and no later
145 than 30 days after the closing date for which the certificate
146 was sought the preparer receives a written request, accompanied
147 by reasonable documentation, that the sale did not occur from a
148 payor that is not the unit owner, the fee shall be refunded to
149 that payor within 30 days after receipt of the request. The
150 refund is the obligation of the unit owner, and the association
151 may collect it from that owner in the same manner as an
152 assessment as provided in this section.

153 (i) In the event the association fails to issue a refund
154 within the 30 day time period set forth in subparagraph (h), and
155 after all conditions precedent to the issuance of such refund
156 have been satisfied, the payor shall so notify the association
157 in writing. If the association fails to issue the refund within
158 5 days from the date of such notice, the payor shall be entitled
159 to, and the association shall be required to refund to the
160 payor, a sum equal to 3 times the original refund amount.

161 (j) The right to a refund as set forth in this section may
162 not be abrogated or abridged by the association or its agent,
163 and any language to the contrary contained within the estoppel
164 certificate shall be a nullity and be given no force or effect.
165 A payor receiving an estoppel certificate containing language
166 indicating that the fee for an estoppel is non-refundable in

PCS for HB 483 Strike1

Published On: 3/9/2017 5:23:50 PM

Amendment No. 1

167 full or in part shall be entitled to recover actual damages or
168 minimum damages for the association's failure to comply with
169 this subsection. The minimum damages shall be equal to 3 times
170 the original refund amount.

171 (k) The fees set forth in this section shall be adjusted
172 every 3 years in an amount equal to the annual increases for
173 that 3-year period in the Consumer Price Index for All Urban
174 Consumers, U.S. City Average, All Items. The Department of
175 Business and Professional Regulation shall periodically
176 calculate the fees, rounded to the nearest dollar, and publish
177 the amounts, as adjusted, on its website.

178 Section 2. Subsection (6) of section 719.108, Florida
179 Statutes, is amended to read:

180 719.108 Rents and assessments; liability; lien and
181 priority; interest; collection; cooperative ownership.-

182 (6) An association shall designate, and provide when
183 requested, the name and physical or electronic address of a
184 person or entity to be responsible for receiving requests for
185 issuance of an estoppel certificate. In addition, associations
186 having a website shall make such information available thereon.
187 Upon receiving a written or electronic request for an estoppel
188 certificate from a unit owner, a unit owner's designee, a unit
189 mortgagee, or a unit mortgagee's designee, an association shall
190 issue such certificate to the requesting party within 10
191 business days. The estoppel certificate shall be delivered by

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192 United States mail, by hand delivery, or by electronic
193 transmission, to the requesting party on the date of issuance.
194 For purposes of this section, deposit of the certificate in the
195 United States mail or the electronic delivery of a downloadable
196 link to the certificate, shall constitute delivery. Within 15
197 days after request by a unit owner or mortgagee, the association
198 shall provide a certificate stating all assessments and other
199 moneys owed to the association by the unit owner with respect to
200 the cooperative parcel. Any person other than the unit owner who
201 relies upon such certificate shall be protected thereby.

202 (a) The estoppel certificate must contain all of the
203 following information as set forth in the official records of
204 the association and may include additional information as
205 determined by the association:

206 1. Date of issuance;

207 2. Name of unit owner reflected in the books and records of
208 the association;

209 3. Unit designation and address;

210 4. Attorney's name and contact information if the account
211 is delinquent and has been turned over to an attorney for
212 collection;

213 5. Fee for the preparation and delivery of the estoppel
214 certificate;

215 6. Name of the requestor;

216 7. The amount and frequency of the regular periodic

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217 assessment against the unit;

218 8. The date through which the regular periodic assessment
219 is paid;

220 9. The date upon which the next installment of the regular
221 periodic assessment is due;

222 10. An itemized list of all assessments , special
223 assessments, and other moneys owed by the unit owner to the
224 association on the date of issuance;

225 11. An itemized list of any additional assessments, special
226 assessments, and other moneys that are scheduled to become due
227 during the estoppel certificate's effective period that are
228 known on the date of issuance;

229 12. Whether there is a capital contribution fee, resale
230 fee, transfer fee, association application fee or other fee due
231 and, if so, the type and amount of the fee due;

232 13. Whether there are any open violations of the governing
233 documents or rules and regulations of the association noticed to
234 the unit owner in the association's official records;

235 14. The contact information for all insurance maintained by
236 the association; and

237 15. The signature of an officer or authorized agent of the
238 association.

239 (b) An estoppel certificate that is hand delivered or sent
240 by electronic means has a 30-day effective period. An estoppel
241 certificate that is sent by regular mail has a 35-day effective

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242 period. If additional information or a mistake related to the
243 estoppel certificate becomes known to the association within the
244 effective period, an amended estoppel certificate may be
245 delivered and becomes effective if a sale or refinancing of the
246 unit has not been completed during the effective period. A fee
247 may not be charged for such an amended estoppel certificate. An
248 amended estoppel certificate must be delivered on the date of
249 issuance, and a new 30-day or 35-day effective period begins on
250 such date.

251 (c) An association waives the right to collect any moneys
252 owed prior to the date of issuance in excess of the amounts
253 specified in the estoppel certificate from any person who, or on
254 whose behalf the certificate was requested, and from such
255 person's successors and assigns.

256 (d) A summary proceeding pursuant to s. 51.011 may be
257 brought to compel compliance with this subsection, and in any
258 such action the prevailing party is entitled to recover
259 reasonable attorney fees.

260 (e) Notwithstanding any limitation on transfer fees
261 contained in s. 719.106(1)(i), ~~an~~ the association or its
262 ~~authorized~~ agent may charge a reasonable fee for the preparation
263 and delivery of the estoppel certificate, which may not exceed
264 \$250 if, on the date the certificate is issued, no delinquent
265 amounts are owed to the association for the applicable unit. If
266 an estoppel certificate is requested on an expedited basis and

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267 delivered within 3 business days after the request, the
268 association may charge an additional fee of \$100. If an estoppel
269 certificate is requested and delivered on a more expedited basis
270 which is less than 3 business days, the association may charge
271 such additional fee as the association and the party requesting
272 the estoppel certificate may mutually agree. If a delinquent
273 amount is owed to the association for the applicable unit, an
274 additional fee for the estoppel certificate may not exceed \$200.

275 (f) If an association receives a request for an estoppel
276 certificate from a unit owner or the unit owner's designee, or a
277 unit mortgagee or the unit mortgagee's designee, and fails to
278 deliver the estoppel certificate within 10 business days, a fee
279 may not be charged for the preparation and delivery of that
280 estoppel certificate.

281 (g) If estoppel certificates for multiple units owned by
282 the same owner are simultaneously requested from the same
283 association and there are no past due monetary obligations owed
284 to the association, the statement of moneys due for those units
285 may be delivered in one or more estoppel certificates, and, even
286 though the fee for each unit shall be computed as set forth in
287 paragraph (e), the total fee that the association may charge for
288 the preparation and delivery of the estoppel certificates may
289 not exceed, in the aggregate:

- 290 1. For 25 or fewer units, \$750.
291 2. For 26 to 50 units, \$1,000.

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292 3. For 51 to 100 units, \$1,500.

293 4. For more than 100 units, \$2,500.

294 (h) The authority to charge a fee for the preparation and
295 delivery of the estoppel certificate must be established by a
296 written resolution adopted by the board or provided by a written
297 management, bookkeeping, or maintenance contract and is payable
298 at the time the certificate is ordered. If a fee for an estoppel
299 certificate is paid in conjunction with the sale or mortgage of
300 a unit but the closing does not occur and no later than 30 days
301 after the closing date for which the certificate was sought the
302 preparer receives a written request, accompanied by reasonable
303 documentation that the closing sale did not occur from a payor
304 that is not the unit owner, then the fee shall be refunded to
305 that payor within 30 days after receipt of the request. The
306 refund is the obligation of the unit owner, and the association
307 may collect it from that owner in the same manner as an
308 assessment against the unit as provided in this chapter.

309 (i) In the event the association fails to issue a refund
310 within the 30 day time period set forth in subparagraph (h), and
311 after all conditions precedent to the issuance of such refund
312 have been satisfied, the payor shall so notify the association
313 in writing. If the association fails to issue the refund within
314 5 days from the date of such notice, the payor shall be entitled
315 to, and the association shall be required to refund to the
316 payor, a sum equal to 3 times the original refund amount.

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317 (j) The right to a refund as set forth in this section may
318 not be abrogated or abridged by the association or its agent,
319 and any language to the contrary contained within the estoppel
320 certificate shall be a nullity and be given no force or effect.
321 A payor receiving an estoppel certificate containing language
322 indicating that the fee for an estoppel is non-refundable in
323 full or in part shall be entitled to recover actual damages or
324 minimum damages for the association's failure to comply with
325 this subsection. The minimum damages shall be equal to 3 times
326 the original refund amount.

327 (k) The fees set forth in this section shall be adjusted
328 every 3 years in an amount equal to the annual increases for
329 that 3-year period in the Consumer Price Index for All Urban
330 Consumers, U.S. City Average, All Items. The Department of
331 Business and Professional Regulation shall periodically
332 calculate the fees, rounded to the nearest dollar, and publish
333 the amounts, as adjusted, on its website.

334 Section 3. Section 720.30851, Florida Statutes, is amended
335 to read:

336 720.30851 Estoppel certificates.—

337 (1) An association shall designate, and provide when
338 requested, the name and physical or electronic address of a
339 person or entity to be responsible for receiving requests for
340 issuance of an estoppel certificate. In addition, associations
341 having a website shall make such information available thereon.

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342 Upon receiving a written or electronic request for an estoppel
343 certificate from a unit owner, a unit owner's designee, a unit
344 mortgagee, or a unit mortgagee's designee, an association shall
345 issue such certificate to the requesting party within 10
346 business days. The estoppel certificate shall be delivered by
347 United States mail, by hand delivery, or by electronic
348 transmission, to the requesting party on the date of issuance.
349 For purposes of this section, deposit of the certificate in the
350 United States mail or the electronic delivery of a downloadable
351 link to the certificate, shall constitute delivery.

352 (a) The estoppel certificate must contain all of the
353 following information as set forth in the official records of
354 the association and may include additional information as
355 determined by the association:

356 1. Date of issuance;

357 2. Name of unit owner reflected in the books and records of
358 the association;

359 3. Unit designation and address;

360 4. Attorney's name and contact information if the account
361 is delinquent and has been turned over to an attorney for
362 collection;

363 5. Fee for the preparation and delivery of the estoppel
364 certificate;

365 6. Name of the requestor;

366 7. The amount and frequency of the regular periodic

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367 assessment against the unit;

368 8. The date through which the regular periodic assessment
369 is paid;

370 9. The date upon which the next installment of the regular
371 periodic assessment is due;

372 10. An itemized list of all assessments , special
373 assessments, and other moneys owed by the unit owner to the
374 association on the date of issuance;

375 11. An itemized list of any additional assessments, special
376 assessments, and other moneys that are scheduled to become due
377 during the estoppel certificate's effective period that are
378 known on the date of issuance;

379 12. Whether there is a capital contribution fee, resale
380 fee, transfer fee, association application fee or other fee due
381 and, if so, the type and amount of the fee due;

382 13. Whether there are any open violations of the governing
383 documents or rules and regulations of the association noticed to
384 the unit owner in the association's official records;

385 14. The contact information for all insurance maintained by
386 the association; and

387 15. The signature of an officer or authorized agent of the
388 association.

389 (b) An estoppel certificate that is hand delivered or sent
390 by electronic means has a 30-day effective period. An estoppel
391 certificate that is sent by regular mail has a 35-day effective

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392 period. If additional information or a mistake related to the
393 estoppel certificate becomes known to the association within the
394 effective period, an amended estoppel certificate may be
395 delivered and becomes effective if a sale or refinancing of the
396 unit has not been completed during the effective period. A fee
397 may not be charged for such an amended estoppel certificate. An
398 amended estoppel certificate must be delivered on the date of
399 issuance, and a new 30-day or 35-day effective period begins on
400 such date.

401 (c) An association waives the right to collect any moneys
402 owed prior to the date of issuance in excess of the amounts
403 specified in the estoppel certificate from any person who, or on
404 whose behalf the certificate was requested, and from such
405 person's successors and assigns. Within 15 days after the date
406 on which a request for an estoppel certificate is received from
407 a parcel owner or mortgagee, or his or her designee, the
408 association shall provide a certificate signed by an officer or
409 authorized agent of the association stating all assessments and
410 other moneys owed to the association by the parcel owner or
411 mortgagee with respect to the parcel. An association may charge
412 a fee for the preparation of such certificate, and the amount of
413 such fee must be stated on the certificate.

414 ~~(1) Any person other than a parcel owner who relies upon a~~
415 ~~certificate receives the benefits and protection thereof.~~

416 ~~(d)+2) A summary proceeding pursuant to s. 51.011 may be~~

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417 brought to compel compliance with this section, and the
418 prevailing party is entitled to recover reasonable attorney
419 attorney's fees.

420 (e) An association or its authorized agent may charge a
421 reasonable fee for the preparation and delivery of an estoppel
422 certificate, which may not exceed \$250 if, on the date the
423 certificate is issued, no delinquent amounts are owed to the
424 association for the applicable unit. If an estoppel certificate
425 is requested on an expedited basis and delivered within 3
426 business days after the request, the association may charge an
427 additional fee of \$100. If an estoppel certificate is requested
428 and delivered on a more expedited basis which is less than 3
429 business days, the association may charge such additional fee as
430 the association and the party requesting the estoppel
431 certificate may mutually agree. If a delinquent amount is owed
432 to the association for the applicable unit, an additional fee
433 for the estoppel certificate may not exceed \$200.

434 (f) If an association receives a request for an estoppel
435 certificate from a unit owner or the unit owner's designee, or a
436 unit mortgagee or the unit mortgagee's designee, and fails to
437 deliver the estoppel certificate within 10 business days, a fee
438 may not be charged for the preparation and delivery of that
439 estoppel certificate.

440 (g) If estoppel certificates for multiple units owned by
441 the same owner are simultaneously requested from the same

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442 association and there are no past due monetary obligations owed
443 to the association, the statement of moneys due for those units
444 may be delivered in one or more estoppel certificates, and, even
445 though the fee for each unit shall be computed as set forth in
446 paragraph (e), the total fee that the association may charge for
447 the preparation and delivery of the estoppel certificates may
448 not exceed, in the aggregate:

449 1. For 25 or fewer units, \$750.

450 2. For 26 to 50 units, \$1,000.

451 3. For 51 to 100 units, \$1,500.

452 4. For more than 100 units, \$2,500.

453 (h)(3) The authority to charge a fee for the preparation
454 and delivery of the estoppel certificate ~~must~~ shall be
455 established by a written resolution adopted by the board or
456 provided by a written management, bookkeeping, or maintenance
457 contract and is payable at the time upon the preparation of the
458 certificate is ordered. If a fee for an estoppel the certificate
459 is paid requested in conjunction with the sale or mortgage of a
460 parcel but the closing does not occur and no later than 30 days
461 after the closing date for which the certificate was sought the
462 preparer receives a written request, accompanied by reasonable
463 documentation, that the sale did not occur from a payor that is
464 not the parcel owner, the fee shall be refunded to that payor
465 within 30 days after receipt of the request. The refund is the
466 obligation of the parcel owner, and the association may collect

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467 it from that owner in the same manner as an assessment as
468 provided in this chapter ~~section~~.

469 (i) In the event the association fails to issue a refund
470 within the 30 day time period set forth in subparagraph (h), and
471 after all conditions precedent to the issuance of such refund
472 have been satisfied, the payor shall so notify the association
473 in writing. If the association fails to issue the refund within
474 5 days from the date of such notice, the payor shall be entitled
475 to, and the association shall be required to refund to the
476 payor, a sum equal to 3 times the original refund amount.

477 (j) The right to a refund as set forth in this section may
478 not be abrogated or abridged by the association or its agent,
479 and any language to the contrary contained within the estoppel
480 certificate shall be a nullity and be given no force or effect.
481 A payor receiving an estoppel certificate containing language
482 indicating that the fee for an estoppel is non-refundable in
483 full or in part shall be entitled to recover actual damages or
484 minimum damages for the association's failure to comply with
485 this subsection. The minimum damages shall be equal to 3 times
486 the original refund amount.

487 (2) The fees set forth in this section shall be adjusted
488 every 3 years in an amount equal to the annual increases for
489 that 3-year period in the Consumer Price Index for All Urban
490 Consumers, U.S. City Average, All Items. The Department of
491 Business and Professional Regulation shall periodically

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492 calculate the fees, rounded to the nearest dollar, and publish
493 the amounts, as adjusted, on its website.

494 Section 4. This act shall take effect July 1, 2017.

495

496

497

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

498

Remove everything before the enacting clause and insert:

499

An act relating to estoppel certificates; amending ss. 718.116,

500

719.108, and 720.30851, F.S.; revising requirements relating to

501

the issuance of an estoppel certificate to specified persons;

502

requiring a condominium, cooperative, or homeowners' association

503

to designate a street or e-mail address when requested and on

504

its website for estoppel certificate requests; specifying

505

delivery requirements for an estoppel certificate; requiring

506

that an estoppel certificate contain certain information;

507

providing an effective period for an estoppel certificate based

508

upon the date of issuance and form of delivery; providing that

509

an association waives a specified claim against a person or such

510

person's successors or assigns who rely on the estoppel

511

certificate; prohibiting an association from charging a

512

preparation and delivery fee or making certain claims if it

513

fails to deliver an estoppel certificate within certain

514

timeframes; revising fee requirements for preparing and

515

delivering an estoppel certificate under various circumstances;

516

authorizing the statement of moneys due to be delivered in one

PCS for HB 483 Strikel

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 483 (2017)

Amendment No. 1

517 or more estoppel certificates under certain circumstances;
518 providing limits on a total fee charged for the preparation and
519 delivery of estoppel certificates; requiring the fee for an
520 estoppel certificate to be paid from specified proceeds under
521 certain circumstances; requiring that the authority to charge a
522 fee for the estoppel certificate be established by a specified
523 written resolution or provided by a written management,
524 bookkeeping, or maintenance contract; providing penalties for
525 not issuing a refund in a timely manner; providing that the
526 right to a refund may not be abrogated or abridged; providing
527 penalties for an association indicating the right to a refund is
528 abrogated or abridged; deleting obsolete provisions; conforming
529 provisions to changes made by the act; providing an effective
530 date.

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COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 697 : Federal Immigration Enforcement

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: 9		Total Nays: 5			

Appearances:

Dana Shumate - Opponent
 72 NW 45th Avenue
 Deerfield Beach FL 33442
 Phone: 954-892-5855

Manfred Schwarz - Waive In Opposition
 U.A.W. Retiree
 Chairperson
 7763 SouthHamptom #104
 Tamarac FL 33321

David Vucic - Opponent
 4256 Houston Ln
 North Port FL 34287
 Phone: 941-888-8555

Chris Tapalaga - Waive In Opposition
 4310 Deep Creek Terrace
 Parrish FL 34219
 Phone: 941-586-5618

O.D. Elliott - Waive In Opposition
 101-78th Ave. NE
 St. Petersburg FL 33702
 Phone: 727-608-6027

Committee meeting was reported out: Monday, March 13, 2017 8:34PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 697 : Federal Immigration Enforcement (continued)

Appearances: (continued)

Delgado, Ingrid (Lobbyist) - Opponent
Associate for Social Concerns, Florida Conference of Catholic Bishops
201 W Park Ave
Tallahassee FL 32301

Laroche, Carla (Lobbyist) - Waive In Opposition
Southern Poverty Law Center
Po Box 10788 Suite 1010
Tallahassee FL 32302-27
Phone: (850) 521-3000

Templin, Richard (Lobbyist) - Waive In Opposition
Florida AFL-CIO
135 S Monroe St
Tallahassee FL 32301
Phone: (850) 224-6926

Gross, Kara (Lobbyist) - Waive In Opposition
American Civil Liberties Union of Florida
4500 Biscayne Boulevard Suite 340
Miami FL 33137
Phone: (850) 347-6994

Labrador, Edward (Lobbyist) - Opponent
Broward County
115 S Andrews Ave 115 S Andrews Ave Rm 426
Fort Lauderdale FL 33301
Phone: (954) 357-7135

Gabriel Garcia-Vera - Waive In Opposition
FL Latina Advocacy Network
Field and Advocacy Manager
8325 NE 2nd Avenue
Miami FL 33138
Phone: 786-664-8310

DeVane, Barbara (Lobbyist) - Waive In Opposition
Florida National Organization for Women, Inc
625 E Brevard St
Tallahassee FL 32308
Phone: (850) 251-4280

Woodall, Karen (Lobbyist) - Waive In Opposition
Florida Center for Fiscal & Economic Policy
579 E Call St
Tallahassee FL 32301
Phone: (850) 321-9386

Committee meeting was reported out: Monday, March 13, 2017 8:34PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 6507 : Relief/Angela Sanford/Leon County

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: 1			

HB 6507 Amendments

Amendment 467333

Adopted Without Objection

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



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	<input type="checkbox"/>	

Adopted without objection

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

3 Representative Beshears offered the following:

4
5 **Amendment**

6 Remove lines 81-83 and insert:

7 Sanford. Of the amount awarded under this act, the total amount
8 paid for attorney fees may not exceed \$230,000, the total amount
9 paid for lobbyist fees may not exceed \$57,500, and the total
10 amount paid for costs and other similar expenses relating to
11 this claim may not exceed \$30,000.

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 6525 : Relief/C.M.H./Department of Children and Families

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: 13		Total Nays: 1			

HB 6525 Amendments

Amendment 954515

Adopted Without Objection

Appearances:

C.M.H./Department of Children and Families
 Blair, Matthew (Lobbyist) - Waive In Support
 CMH
 Lobbyist
 21748 SR S4, Suite 102
 Lutz FL
 Phone: 8135270172

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



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	<input type="checkbox"/>	

Adopted Without Objection

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

3 Representative Grant, J. offered the following:

4
5 **Amendment**

6 Remove lines 105-107 and insert:

7 Of the amount awarded under this act, the total amount paid for
 8 attorney fees may not exceed \$1,269,135.77, no amount awarded
 9 under this act may be paid for lobbyist fee, and the total
 10 amount paid for costs and other similar expenses relating to
 11 this claim may not exceed \$731.47.

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 6527 : Relief/Charles Pandrea/North Broward Hospital District

Temporarily Postponed

Committee meeting was reported out: Monday, March 13, 2017 8:34PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 6535 : Relief/Vonshelle Brothers/Department of Health

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: 1			

HB 6535 Amendments

Amendment 117289

Adopted Without Objection

Appearances:

Ronald Gilbert - Proponent
 801 N Orange Ave, # 830
 Orlando FL 32801
 Phone: 407-590-0265

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



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 Jenne offered the following:

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

6 Remove everything after the enacting clause and insert:

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

9 Section 2. The sum of \$1 million is appropriated from the
10 General Revenue Fund to the Department of Health for the relief
11 of Vonshelle Brothers, as natural parent and legal guardian of
12 Iyonna Hughey, to compensate Iyonna Hughey for injuries and
13 damages sustained.

14 Section 3. The Chief Financial Officer is directed to draw
15 a warrant in favor of the Supplemental Care Trust for the
16 Benefit of Iyonna Hughey or other special needs trust for the

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17 exclusive use and benefit of Iyonna Hughey, in the sum of \$1
18 million upon funds of the Department of Health in the State
19 Treasury and to pay the same out of such funds in the State
20 Treasury.

21 Section 4. The amount paid by the Department of Health
22 pursuant to s. 768.28, Florida Statutes, and the amount awarded
23 under this act are intended to provide the sole compensation for
24 all present and future claims arising out of the factual
25 situation described in this act which resulted in injuries and
26 damages to Vonshelle Brothers and Iyonna Hughey. Of the amount
27 awarded under this act, the total amount paid for attorney fees
28 may not exceed \$100,000, the total amount paid for lobbyist fees
29 may not exceed \$50,000, and the total amount paid for costs and
30 other similar expenses relating to this claim may not exceed
31 \$2,214.

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

33 -----
34
35 **T I T L E A M E N D M E N T**

36 Remove everything before the enacting clause and insert:

37 A bill to be entitled

38 An act for the relief of Vonshelle Brothers, as the
39 natural parent and legal guardian of Iyonna Hughey;
40 providing an appropriation to compensate her daughter
41 for injuries and damages sustained as a result of the



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42 alleged negligence of the Brevard County Health
43 Department, an agency of the Department of Health;
44 providing that certain payments and the appropriation
45 satisfy all present and future claims related to the
46 alleged negligent acts; providing a limitation on the
47 payment of compensation, fees, and costs; providing an
48 effective date.

49
50 WHEREAS, on March 16, 2010, Vonshelle Brothers visited a
51 location of the Brevard County Health Department for her initial
52 prenatal visit, during which a complete obstetrical and
53 gynecological exam was conducted, including a Pap smear, and

54 WHEREAS, the lab results of the exam were reported to be
55 within normal limits with the exception of the Pap smear, which
56 had tested negative for intraepithelial lesion or malignancy,
57 but showed cellular changes consistent with herpes simplex virus
58 and bacterial vaginosis, and

59 WHEREAS, despite the results of the Pap smear, the Brevard
60 County Health Department did not report the results to Vonshelle
61 Brothers, and

62 WHEREAS, Vonshelle Brothers continued to receive treatment
63 from the Brevard County Health Department through the duration
64 of her pregnancy until the birth of her daughter, Iyonna Hughey,
65 on October 14, 2010, at the Wuesthoff Medical Center, and both



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66 were discharged from the hospital 2 days later in good
67 condition, and

68 WHEREAS, on November 1, 2010, Vonshelle Brothers brought
69 Iyonna to the emergency room at Wuesthoff Medical Center citing
70 Iyonna's lack of eating, weak condition, and fever, and

71 WHEREAS, a lumbar puncture was performed and cerebral
72 spinal fluid was collected which initially suggested that Iyonna
73 had meningitis, which prompted her transfer to the Arnold Palmer
74 Hospital for Children for further evaluation and management, and

75 WHEREAS, on November 3, 2010, the final results of the
76 cerebral spinal fluid collection were reported, and the fluid
77 had tested positive for herpes simplex type 2, and

78 WHEREAS, as a result of her diagnosis, Iyonna continues to
79 experience significant developmental delay and neurologic
80 impairment related to the herpes meningoencephalitis and has
81 required continued treatment, including physical therapy,
82 occupational and speech therapy, and neurologic and
83 ophthalmologic care, and

84 WHEREAS, Iyonna's condition requires her to be under the
85 constant care and supervision of Vonshelle Brothers, and

86 WHEREAS, the Brevard County Health Department had a duty to
87 provide a reasonable level of care to Vonshelle Brothers and
88 Iyonna Hughey but that duty was allegedly breached by the
89 department failing to disclose the presence of the herpes
90 simplex virus in Vonshelle Brothers and to order proper

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91 treatment of the virus, which eventually resulted in Iyonna's
92 diagnosis, and

93 WHEREAS, in June 2016, a final order was entered approving
94 a settlement in the sum of \$3.2 million between Vonshelle
95 Brothers, individually, and as natural parent and legal guardian
96 of Iyonna Hughey, and the Brevard County Health Department to
97 settle all claims arising out of the factual situation described
98 in this act, and

99 WHEREAS, the Department of Health has paid \$200,000 to Ms.
100 Brothers under the statutory limits of liability set forth in s.
101 768.28, Florida Statutes, and the parties have agreed to a
102 reduced settlement in the amount of \$1 million, NOW, THEREFORE,
103

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/13/2017 1:30PM

Location: Sumner Hall (404 HOB)

HB 6539 : Relief/Eddie Weekley and Charlotte Williams/Agency for Persons with 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: 13		Total Nays: 1			

HB 6539 Amendments

Amendment 916547

Adopted Without Objection

Committee meeting was reported out: Monday, March 13, 2017 8:34PM



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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	<input type="checkbox"/>	

Adopted Without Objection

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
 2 Subcommittee
 3 Representative Byrd offered the following:

Amendment

Remove lines 58-67 and insert:

7 Treasury. Pursuant to the settlement agreement approved by the
 8 court in 2007, the funds are to be paid into a Medicaid-
 9 compliant special needs trust account established on behalf of
 10 Eddie Weekley and Charlotte Williams.

11 Section 4. The amount paid by the Agency for Persons with
 12 Disabilities pursuant to s. 768.28, Florida Statutes, and the
 13 amount awarded under this act are intended to provide the sole
 14 compensation for all present and future claims arising out of
 15 the factual situation described in this act resulting in the
 16 disappearance and death of Franklin Weekley. Of the amount



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17 awarded under this act, the total amount paid for attorney fees
18 may not exceed \$200,000, the total amount paid for lobbyist fees
19 may not exceed \$50,000, and the total amount paid for costs and
20 other similar expenses relating to this claim may not exceed
21 \$221.03.