



Civil Justice & Claims Subcommittee

March 8, 2017

12:00 PM

404 HOB

Action Packet

**Richard Corcoran
Speaker**

**Heather Fitzenhagen
Chair**

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice & Claims Subcommittee

Wednesday March 08, 2017 12:00 pm

HB 329	Favorable	Yeas: 12	Nays: 2
HB 363	Favorable With Committee Substitute	Yeas: 9	Nays: 4
PCS for HB 735	Favorable With Amendment(s)	Yeas: 12	Nays: 0
	Amendment PCS for HB 735 a2	Adopted Without Objection	
	Amendment PCS for HB 735 a1	Adopted Without Objection	
HB 6503	Favorable With Committee Substitute	Yeas: 12	Nays: 1
	Amendment 930533	Adopted Without Objection	
HB 6509	Favorable With Committee Substitute	Yeas: 10	Nays: 2
	Amendment 644045	Adopted Without Objection	
HB 6515	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 318299	Adopted Without Objection	
HB 6521	Favorable With Committee Substitute	Yeas: 10	Nays: 1
	Amendment 353361	Adopted Without Objection	
HB 6523	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 338117	Adopted Without Objection	
HB 6529	Favorable With Committee Substitute	Yeas: 9	Nays: 3
	Amendment 383777	Adopted Without Objection	
HB 6531	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 570777	Adopted Without Objection	
HB 6533	Favorable With Committee Substitute	Yeas: 13	Nays: 1
	Amendment 654433	Adopted Without Objection	
PCB CJC 17-01	Favorable	Yeas: 13	Nays: 0
PCB CJC 17-02	Favorable	Yeas: 13	Nays: 0

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

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:	14	0	1

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 329 : Child Protection

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: 12		Total Nays: 2			

Appearances:

Child Protection
 Fontaine, Mark (Lobbyist) - Opponent
 Florida Behavioral Health Association
 Executive Director
 Florida Alcohol & Drug Abuse Assn 2868-1 Mahan Dr
 Tallahassee FL 32308
 Phone: (850) 878-2196

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 363 : Temporary Care of a Child

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: 9		Total Nays: 4			

Appearances:

Temporary Child Care

Wartenberg, Philip (General Public) - Information Only

Family Law Section, The Fla Bar

501 E Kennedy Blvd, Ste 73

Tampa FL 33602

Phone: (813) 226-3113

Temporary Care of a Child

Leeds, Benjamin (General Public) - Waive In Support

Florida Coalition for Children

1944 Heritage Gove Circle Apt. 1006

Tallahassee FL 32304

Phone: 813-389-5995

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

PCS for HB 735 : Covenants and Restrictions of Property Owners

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: 0			

PCS for HB 735 Amendments

Amendment PCS for HB 735 a2

Adopted Without Objection

Amendment PCS for HB 735 a1

Adopted Without Objection

Appearances:

Covenants and Restrictions of Property Owners
 Hunter, Gary (Lobbyist) - Proponent
 Kendall Associates I, LLLP
 Attorney
 PO Box 6526
 Tallahassee FL 32314-65
 Phone: (850) 222-7500

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6503 : Relief/Sean McNamee, Todd & Jody McNamee/School Board of Hillsborough 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: 12		Total Nays: 1			

HB 6503 Amendments

Amendment 930533

Adopted Without Objection

Appearances:

Relief/Sean McNamee/ Todd & Jody McNamee/ School Board of Hillsborough County

Dickey, David - Waive In Support

Attorney

101 E. Kennedy Blvd. Suite 3910

Tampa FL 33111

Phone: 813-222-8222

Relief/Sean McNamee/ Todd & Jody McNamee/ School Board of Hillsborough County

Yerrid, Steve - Proponent

Attorney

101 E. Kennedy Blvd.

Tampa FL 33602

Phone: 813-222-8222

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6509 : Relief/Robert Allan Smith/Orange County

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
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: 10		Total Nays: 2			

HB 6509 Amendments

Amendment 644045

Adopted Without Objection

Appearances:

Relief/ Robert Allen Smith/ Orange County
Moffett, David - Proponent
20 N. Orange Avenue
Orlando FL 32801
Phone: 407-236-5997

Relief/ Robert Allen Smith/ Orange County
Teague, Kelley (Lobbyist) - Opponent
Orange County Government
Legislative Affairs Director
201 S Rosalind Ave 201 S Rosalind Ave 5th Floor
Orlando FL 32801
Phone: (407) 836-5423 x323

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6515 : Relief/Wendy Smith and Dennis Darling, Sr./State of Florida

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: 11		Total Nays: 1			

HB 6515 Amendments

Amendment 318299

Adopted Without Objection

Appearances:

Relief/Wendy Smith and Dennis Darling, Sr./State of Florida
 Skyers, Karen (Lobbyist) - Waive In Support
 Relief of Dennis Darling Sr & Wendy Smith parents of Devaughn Darling
 Becker & Poliakoff, P.A., 1 E. Broward Blvd. 18th Floor
 Fort Lauderdale FL 33301
 Phone: (813) 527-3900

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6521 : Relief/Mary Mifflin-Gee/City of Miami

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: 10		Total Nays: 1			

HB 6521 Amendments

Amendment 353361

Adopted Without Objection

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6523 : Relief/"Survivor" & Estate of "Victim"/DCF

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: 11		Total Nays: 1			

HB 6523 Amendments

Amendment 338117

Adopted Without Objection

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

**COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6529 : Relief/Lillian Beauchamp/St. Lucie County School Board

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: 9		Total Nays: 3			

HB 6529 Amendments

Amendment 383777

Adopted Without Objection

Appearances:

Relief/ Lillian Beauchamp/ St. Lucie County School Board
Mallette, Kelly (Lobbyist) - Opponent
School District of St. Lucie County
104 W. Jefferson Street
Tallahassee FL 32301
Phone: 850-224-3427

Relief/ Lillian Beauchamp/ St. Lucie County School Board
Haynes, Matthew - Waive In Support
Attorney
515 N. Flaller Drive
West Palm Beach FL 3341
Phone: 561-870-5114

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6529 : Relief/Lillian Beauchamp/St. Lucie County School Board (continued)

Appearances: (continued)

Relief/ Lillian Beauchamp/ St. Lucie County School Board

Lillian Beauchamp - Proponent

Estate of Aaron Beauchamp

Parent/Personal Representative of Aaron Beauchamp

10108 Spyglass Lane

Port St. Lucie FL

Phone: 772-519-0576

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6531 : Relief/Dustin Reinhardt/Palm Beach County School Board

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: 11		Total Nays: 1			

HB 6531 Amendments

Amendment 570777

Adopted Without Objection

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6533 : Relief/Jennifer Wohlgemuth/Pasco County Sheriff's Office

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
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 6533 Amendments

Amendment 654433

Adopted Without Objection

Appearances:

Relief/Jennifer Wohlgemuth/Pasco County Sherrif's Office
 Dempsey, Hayden (Lobbyist) - Proponent
 Brain Injury Association of Florida, Inc
 Greenberg Traurig PA 101 E College Ave
 Tallahassee FL 32301
 Phone: (850) 222-6891

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

**COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

PCB CJC 17-01 : Clerks of the Circuit Court

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: 13		Total Nays: 0			

Appearances:

Clerks of the Circuit Court

Baggett, Fred (Lobbyist) - Information Only

Florida Association of Court Clerks & Comptrollers

General Counsel

101 E College Ave

Tallahassee FL 32301

Phone: (850) 222-6891

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM

COMMITTEE MEETING REPORT
Civil Justice & Claims Subcommittee

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

PCB CJC 17-02 : Termination of a Condominium Association

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: 13		Total Nays: 0			

Appearances:

Termination of a Condominium Association
Dunbar, Peter (Lobbyist) - Information Only
Real Property, Probate & Trust Law Section of the Florida Bar
215 S Monroe St Ste 815
Tallahassee FL 32301
Phone: (850) 999-4100

Committee meeting was reported out: Wednesday, March 08, 2017 5:32PM



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 White offered the following:

Amendment (with title amendment)

Remove lines 37-143 and insert:

7 (b) "Qualified association" means an association that
 8 establishes, publishes, and requires compliance with minimum
 9 best practice standards for operating a program that assists
 10 parents in providing temporary respite care for a child by a
 11 volunteer respite family.

12 (c) "Qualified nonprofit organization" or "organization"
 13 means a private Florida nonprofit organization that assists
 14 parents by providing temporary respite care for children by
 15 volunteer respite families that are under a contract for care
 16 and in compliance with the best practice standards of a



Amendment No. 1

17 qualified association. The organization shall provide assistance
18 and support to parents and training and support for volunteer
19 respite families.

20 (d) "Volunteer respite family" means an individual or a
21 family who voluntarily agrees to provide, without compensation,
22 temporary respite care for a child, with the assistance of a
23 qualified nonprofit organization, pursuant to a contract for
24 care with the child's parent.

25 (e) "Volunteer respite home" means the home of a volunteer
26 respite family.

27 (2) DUTIES OF THE QUALIFIED NONPROFIT ORGANIZATION.—

28 (a) A qualified nonprofit organization that provides
29 services assisting parents in providing for the temporary
30 respite care of their child with a volunteer family shall:

31 1. Establish its program under an agreement or
32 certification with a qualified association;

33 2. Prior to allowing personnel, members of the volunteer
34 respite home, or other program volunteers to have contact with a
35 child, work with the department to ensure that background
36 screenings of the personnel of the organization and members of
37 the volunteer respite home are conducted in compliance with the
38 screening requirements in s. 409.175 and chapter 435. Persons
39 required to be screened pursuant to this section include:

40 a. Employees of the organization who have direct contact
41 with children while assisting parents in providing temporary

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Published On: 3/7/2017 6:52:28 PM



Amendment No. 1

42 respite care.

43 b. Members of the volunteer respite family or persons
44 residing in the volunteer respite home who are older than 12
45 years of age. However, members of a volunteer respite family or
46 persons residing in the volunteer respite home who are between
47 the ages of 12 years and 18 years are not required to be
48 fingerprinted but must be screened for delinquency records.

49 3. Train all volunteer respite families, such training to
50 include:

51 a. Discussion of the rights, duties, and limitations
52 regarding providing temporary care for a child under a contract
53 for care authorized under this chapter;

54 b. An overview of program processes, including intake and
55 working with third party service providers like schools and
56 medical professionals;

57 c. General safety requirements, including SIDS,
58 supervision, and water/pool safety;

59 d. Appropriate and constructive disciplinary practices,
60 including the prohibition of physical punishment and the
61 prohibition of discipline that is severe, humiliating,
62 frightening, or associated with food, rest, or toileting;

63 e. Abuse and maltreatment reporting requirements, including
64 proper cooperation with the department;

65 f. Confidentiality; and

66 g. Building a healthy relationship with the child's

409685 - h0363-line0037.docx

Published On: 3/7/2017 6:52:28 PM



Amendment No. 1

67 biological family.

68 4. Be solely responsible for ongoing supervision of each
69 placement of a child with a volunteer respite family approved by
70 the organization;

71 5. Maintain records on each volunteer respite family and
72 child served, including, but not limited to:

73 a. The name and age of the child;

74 b. The name, address, telephone number, e-mail address, and
75 other contact information for the child's parents;

76 c. The name, address, telephone number, e-mail address, and
77 other contact information for the child's volunteer respite
78 family;

79 d. A copy of the contract for respite care executed
80 pursuant to this section; and

81 e. Proof of the volunteer respite family's compliance with
82 the personnel screening requirements under this chapter.

83 6. Provide the following information to the department on
84 an annual basis:

85 a. The name, address, telephone number, e-mail address, and
86 other contact information of the organization.

87 b. The name of the organization's director.

88 c. The names and addresses of the officers and members of
89 the governing body of the organization.

90 d. The total number of approved volunteer respite families
91 currently working with the organization and the total number of



Amendment No. 1

92 | children served the previous fiscal year.

93 | e. A copy of its agreement or certification with a
94 | qualified association for the purpose of providing volunteer
95 | respite services pursuant to this chapter.

96 | 7. Provide the qualified association with data and other
97 | information required by the qualified association to show that
98 | the qualified nonprofit organization is in substantial
99 | compliance with standards set by the qualified association.

100 | 8. Immediately notify the department of any suspected or
101 | confirmed incident of abuse, neglect, or other maltreatment of a
102 | child while in the care of one of the organization's volunteer
103 | respite families.

104 | 9. Make available to the department or qualified
105 | association at any time all records relating to the program and
106 | children cared for by the organization's volunteer respite
107 | families for inspection to ensure compliance with this section
108 | and standards established by any entity with which the
109 | organization is affiliated.

110

111

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

113 | Remove lines 8-9 and insert:
114 | requirements for such organizations; exempting such
115 | organizations



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

Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Edwards offered the following:

Amendment

Remove lines 81-88 and insert:

(6) A county may not delegate its police power to a third party by restriction, covenant, or otherwise, and any such purported delegation is hereby declared void. The imposition or acceptance of a recorded or unrecorded restriction or covenant as a condition of a county's approval or issuance of a development permit does not preclude the county from exercising its police power, in its sole discretion, to later amend, release, or terminate the restriction or covenant. Any such amendment, release, or termination of the restriction or



Amendment No. 1

16 covenant must follow the procedural requirements set forth in s.
17 125.66

18 Remove lines 95-103 and insert:

19 (6) A municipality may not delegate its police power to a
20 third party by restriction, covenant, or otherwise, and any such
21 purported delegation is hereby declared void. The imposition or
22 acceptance of a recorded or unrecorded restriction or covenant
23 as a condition of a municipality's approval or issuance of a
24 development permit does not preclude a municipality from
25 exercising its police power, in its sole discretion, to later
26 amend, release, or terminate the restriction or covenant. Any
27 such amendment, release, or termination of the restriction or
28 covenant must follow the procedural requirements set forth in s.
29 166.041(c), Florida Statutes.~~This section does not prohibit a~~
30 ~~municipality from~~



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		

Adopted without objection

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

3 Representative Edwards offered the following:

4
5 **Amendment**

6 Remove line 422 and insert:

7 (1) Not less than once every 5 years, if it wishes to
 8 preserve its covenants and restrictions, each association



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 Shaw offered the following:

4

5 **Amendment**

6 Remove lines 69-81 and insert:

7 payable to the Sean R. McNamee Irrevocable Trust as compensation
8 for injuries and damages sustained as a result of the negligence
9 of employees of the School Board of Hillsborough County.

10 Section 3. The amount paid by the School Board of
11 Hillsborough County under s. 768.28, Florida Statutes, and the
12 amount awarded under this act are intended to provide the sole
13 compensation for all present and future claims arising out of
14 the factual situation described in this act which resulted in
15 injuries to Sean McNamee and damages to Todd McNamee and Jody
16 McNamee. Of the amount awarded under this act, the total amount



Amendment No. 1

17 paid for attorney fees may not exceed \$340,000, the total amount
18 paid for lobbying fees may not exceed \$85,000, and no amount of
19 the act may be paid for costs and other similar expenses
20 relating to this claim.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(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 Cortes, B. 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. Orange County is authorized and directed to
10 appropriate from funds of the county not otherwise appropriated
11 and to draw a warrant in the sum of \$2,813,536.09 payable to
12 Robert Allan Smith as compensation for injuries and damages
13 sustained as a result of the negligence of an employee of Orange
14 County.

15 Section 3. The governmental entity responsible for payment
16 of the warrant shall pay to the Florida Agency for Health Care

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Amendment No. 1

17 Administration the amount due under section 409.910, Florida
18 Statutes, prior to disbursing any funds to the claimant. The
19 amount due to the agency shall be equal to all unreimbursed
20 medical payments paid by Medicaid up to the date upon which this
21 bill becomes law.

22 Section 4. The amount paid pursuant to s. 768.28, Florida
23 Statutes, and the amount awarded under this act are intended to
24 provide the sole compensation for all present and future claims
25 arising out of the factual situation described in the preamble
26 to this act which resulted in the injuries and damages sustained
27 by Robert Allan Smith. Of the amount awarded under this act, the
28 total amount paid for attorney fees may not exceed \$562,707.218,
29 the total amount paid for lobbying fees may not exceed
30 \$140,676.80, and the total amount paid for costs and other
31 similar expenses relating to this claim may not exceed
32 \$70,351.88.

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

35 -----

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

37 Remove everything before the enacting clause and insert:
38 An act for the relief of Robert Allan Smith by Orange
39 County; providing for an appropriation to compensate
40 him for injuries sustained as a result of the
41 negligence of an employee of Orange County; providing



Amendment No. 1

42 for repayment of Medicaid liens; providing a
43 limitation on the payment of fees and costs; providing
44 an effective date.

45 WHEREAS, Robert Allan Smith was involved in a motor vehicle
46 accident on DePauw Avenue and Orlando Street in Orlando, Orange
47 County, on September 7, 2006, and

48 WHEREAS, Mr. Smith was operating his motorcycle within the
49 25 mph speed limit, with headlights on, at approximately 1:43
50 p.m., in clear, dry weather, headed north on DePauw Avenue, the
51 quiet residential street he lived on and within 300 feet of his
52 home, and

53 WHEREAS, Mr. Smith approached the intersection of Orlando
54 Street, which is governed by a stop sign, and a work van headed
55 west on Orlando Avenue, owned by Orange County and driven by
56 Orange County employee Lynn Lawrence Godden, negligently pulled
57 from said stop sign directly into Mr. Smith's path and caused a
58 collision with Mr. Smith, and

59 WHEREAS, Mr. Smith saw the driver of the van visibly slow
60 down upon approaching the stop sign and look at Mr. Smith as he
61 approached on his motorcycle, but the driver of the van drove
62 through the stop sign into Mr. Smith's path, and Mr. Smith had
63 too little time and distance to prevent a collision, and

64 WHEREAS, the front of the Orange County van struck the
65 right side of Mr. Smith, causing severe and life-threatening
66 injuries, including traumatic amputation of his right leg above

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Amendment No. 1

67 the knee, a badly fractured lower left leg with internal
68 fixation, and a broken pelvis and sacrum with internal fixation,
69 and Mr. Smith required a laparotomy to repair damage to his
70 rectum and internal organs, and

71 WHEREAS, the Orange County employee testified he stopped at
72 the stop sign and saw, to his left, the motorcycle pull out of a
73 driveway but erroneously thought it was heading in the other
74 direction away from him, though there was no evidence to support
75 this claim, so he then looked to his right and entered the
76 intersection without looking back to his left, and

77 WHEREAS, the Orange County employee violated Mr. Smith's
78 right-of-way and was issued a citation by the Orlando Police
79 Department for failure to yield from a stop sign, and

80 WHEREAS, before the civil jury trial, Robert Allan Smith's
81 past hospitalization, medical, and rehabilitation expenses
82 exceeded \$550,000 and his past lost earnings were in excess of
83 \$137,000, and

84 WHEREAS, the jury determined that Mr. Smith's future
85 medical expenses will total \$2,376,000 over 40 years, and past
86 medical expenses and lost wages totaled \$688,807.37, and

87 WHEREAS, Robert Allan Smith was awarded \$1,749,978 in
88 damages for past and future pain and suffering, for a total
89 verdict award of \$4,814,785.37, and

90 WHEREAS, after reduction for comparative negligence and
91 setoffs to allow for bill reductions by Medicaid and the

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Amendment No. 1

92 Veteran's Administration, a judgment was entered in Orange
93 County on November 27, 2012, against Orange County and in favor
94 of Robert Allan Smith in the amount of \$2,913,536.09, plus
95 taxable costs, and

96 WHEREAS, after entry of the judgment, Orange County has
97 made partial payment to Robert Allan Smith in the amount of
98 \$100,000, but the remainder of the judgment remains wholly
99 unsatisfied, pending passage of this act into law, NOW,
100 THEREFORE,
101



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 Jones offered the following:

Amendment (with title amendment)

Remove lines 37-55 and insert:

7 Section 2. Florida State University is authorized and
 8 directed to appropriate from funds of the university not
 9 otherwise appropriated and to draw a warrant in the amount of
 10 \$1.8 million, to be paid to Wendy Smith and Dennis Darling, Sr.,
 11 parents of decedent Devaughn Darling, as relief for their
 12 losses.

13 Section 3. The amount paid by the Division of Risk
 14 Management of the Department of Financial Services pursuant to
 15 s. 768.28, Florida Statutes, and the amount awarded under this
 16 act are intended to provide the sole compensation for all



Amendment No. 1

17 present and future claims arising out of the factual situation
18 described in the preamble to this act which resulted in the
19 death of Devaughn Darling. Of the amount awarded under this act,
20 the total amount paid for attorney fees may not exceed \$360,000,
21 the total amount paid for lobbying fees may not exceed \$90,000,
22 and the total amount paid for costs and other similar expenses
23 relating to this claim may not exceed \$40,785.27.

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

25

26

27

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

28

Remove lines 4-5 and insert:

29

providing an appropriation to compensate the parents for the

30

loss of their



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 Byrd offered the following:

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

6 Remove lines 86-98 and insert:

7 Section 2. The St. Lucie County School District is
8 authorized and directed to appropriate from its funds not
9 otherwise encumbered and to draw a warrant in the amount of \$8.7
10 million payable to Lillian Beauchamp, as the personal
11 representative of the estate of Aaron Beauchamp, as compensation
12 for damages sustained in connection with his wrongful death.

13 Section 3. The amount awarded under this act is intended
14 to provide the sole compensation for all present and future
15 claims arising out of the factual situation described in this
16 act which resulted in the wrongful death of Aaron Beauchamp. Of



Amendment No. 1

17 the amount awarded under this act, the total amount paid for
18 attorney fees may not exceed \$1,740,000, the total amount paid
19 for lobbying fees may not exceed \$435,000, and the total amount
20 paid for costs and other similar expenses relating to this claim
21 may not exceed \$4,246.02.

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

25 Remove line 4 and insert:

26 Beauchamp, by the St. Lucie County School District;



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 Diaz, J. offered the following:

4

5 **Amendment**

6 Remove lines 166-168 and insert:

7 death of Victim. Of the amount awarded under this act, the total
8 amount paid for attorney fees may not exceed \$750,000, the total
9 amount paid for lobbyist fees may not exceed \$187,500, and the
10 total amount paid for costs and other similar expenses relating
11 to this claim may not exceed \$76,312.81.



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 lines 76-95 and insert:

7 Section 2. The City of Miami is authorized and directed to
8 appropriate from funds not otherwise encumbered and to draw a
9 warrant in the sum of \$2,300,000 payable to Marilyn Jelks, as
10 legal guardian of Mary Mifflin-Gee. This sum shall be placed in
11 the Special Needs Trust created for the exclusive use and
12 benefit of Mary Mifflin-Gee, to compensate her for injuries and
13 damages sustained as a result of the negligence of employees of
14 the City of Miami.

15 Section 3. The amount paid by the City of Miami pursuant
16 to s. 768.28, Florida Statutes, and the amount awarded under



Amendment No. 1

17 this act are intended to provide the sole compensation for all
18 present and future claims arising out of the factual situation
19 described in this act which resulted in injuries and damages to
20 Mary Mifflin-Gee. Of the amount awarded under this act, the
21 total amount paid for attorney fees may not exceed \$575,000, no
22 amount of the act may be paid for lobbying fees, and the total
23 amount paid for costs and other similar expenses relating to
24 this claim may not exceed \$17,110.39.

25

26

27

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

28

Remove lines 68-70 and insert:

29

Florida Statutes, NOW, THEREFORE



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 Drake 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 are
8 found and declared to be true.

9 Section 2. The Palm Beach County School Board is
10 authorized and directed to:

11 (1) Appropriate from funds of the school board not
12 otherwise encumbered and, no later than 30 days after the
13 effective date of this act, draw a warrant in the sum of \$1.7
14 million payable to Dustin Reinhardt, to be placed in the Special
15 Needs Trust created for the exclusive use and benefit of Dustin
16 Reinhardt, as compensation for injuries and damages sustained.



Amendment No. 1

17 (2) Purchase an annuity for the sum of \$3 million for
18 Dustin Reinhardt's benefit. The annuity must provide annual
19 disbursements to Dustin Reinhardt, to be placed in the Special
20 Needs Trust created for the exclusive use and benefit of Dustin
21 Reinhardt, for 3 years, with the first disbursement occurring on
22 or before September 1, 2023, and the following disbursements
23 occurring the following 2 years thereafter. Each annual
24 disbursement must be at least \$1 million.

25 Section 3. The amount paid by the Palm Beach County School
26 Board pursuant to s. 768.28, Florida Statutes, and the amount
27 awarded under this act are intended to provide the sole
28 compensation for all present and future claims arising out of
29 the factual situation described in this act which resulted in
30 injuries and damages to Dustin Reinhardt. Of the amount awarded
31 under this act, the total amount paid for attorney fees may not
32 exceed \$340,000, the total amount paid for lobbying fees may not
33 exceed \$85,000, and no amount of the act may be paid for costs
34 and other similar expenses relating to this claim. Attorney or
35 lobbyist fees may not be assessed against the value of the
36 annuity.

37 Section 4. This act shall take effect upon becoming a law.
38
39
40
41



Amendment No. 1

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

Remove everything before the enacting clause and insert:
An act for the relief of Dustin Reinhardt by the Palm Beach County School Board; providing for an appropriation and annuity to compensate him for injuries sustained as a result of the negligence of employees of the Palm Beach County School District; providing that certain payments and the amount awarded under the act satisfy all present and future claims related to the negligent act; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

WHEREAS, in September 2013, Dustin Reinhardt was a student at Seminole Ridge Community High School in Loxahatchee in Palm Beach County, and was involved in the Army Junior Reserve Officer Training Corps for which he received honors for his participation, and

WHEREAS, on September 4, 2013, while in auto shop class at Seminole Ridge Community High School, Dustin Reinhardt was inflating a large truck tire, which proceeded to explode, striking him in his head, and

WHEREAS, immediately following the explosion, Dustin Reinhardt was airlifted to St. Mary's Medical Center in West Palm Beach where he underwent multiple surgeries, including

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Amendment No. 1

67 skull and facial reconstruction procedures, was placed in a
68 chemically induced coma, and spent more than 4 weeks in the
69 intensive care unit, and

70 WHEREAS, Dustin Reinhardt has continued to be impacted by
71 the injuries he incurred from the explosion, including the loss
72 of vision in his right eye, short-term memory loss, and a recent
73 diagnosis of severe traumatic brain injury, and

74 WHEREAS, the traumatic brain injury will impair Dustin
75 Reinhardt's executive function and has resulted in symptoms such
76 as the exhibition of socially inappropriate behavior, difficulty
77 in planning and taking initiative, difficulty with verbal
78 fluency, an inability to multitask, and difficulty in
79 processing, storing, and retrieving information, and

80 WHEREAS, because of the explosion, Dustin Reinhardt
81 continues to live in supervised care at the Neuro International
82 and is unlikely to ever live an independent life, and

83 WHEREAS, the injuries that Dustin Reinhardt sustained were
84 foreseeable and preventable and the school had a duty to prevent
85 his injuries, and

86 WHEREAS, the parties have agreed to a settlement in the sum
87 of \$5 million, and the Palm Beach County School Board has paid
88 \$300,000 of the settlement pursuant to the statutory limits of
89 liability set forth in s. 768.28, Florida Statutes, leaving a
90 remaining balance of \$4.7 million, NOW, THEREFORE,
91

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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 92-109 and insert:

7 million, to be placed in the Special Needs Trust created for the
8 exclusive use and benefit of Jennifer Wohlgemuth as compensation
9 for injuries and damages sustained due to the negligence of an
10 employee of the sheriff's office. Payment shall be made in the
11 amount of \$325,000 per year for 8 consecutive years. The first
12 payment must be made no later than October 31, 2017. Payments
13 must be made by October 31 each subsequent year until paid in
14 full. However, if Jennifer Wohlgemuth dies before October 31,
15 2024, payments shall cease with her death and the award under
16 this act shall be deemed paid in full.



Amendment No. 1

17 Section 3. The amount paid by the Pasco County Sheriff's
18 Office under s. 768.28, Florida Statutes, and the amount awarded
19 under this act are intended to provide the sole compensation for
20 all present and future claims arising out of the factual
21 situation described in this act which resulted in the injuries
22 and damages to Jennifer Wohlgemuth. Of the amount awarded under
23 this act, the total amount paid for attorney fees may not exceed
24 \$520,000, the total amount paid for lobbyist fees may not exceed
25 \$130,000, and no amount of the act may be paid for costs and
26 other similar expenses relating to this claim.