

# Civil Justice & Claims Subcommittee

March 8, 2017 12:00 PM 404 HOB

**Action Packet** 

### 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)  Amendment PCS for HB 735 a2 Adopted Without Objection  Amendment PCS for HB 735 a1 Adopted Without Objection	Yeas:	12	Nays:	0
HB 6503 Favorable With Committee Substitute  Amendment 930533 Adopted Without Objection	Yeas:	12	Nays:	1
HB 6509 Favorable With Committee Substitute	Yeas:	10	Nays:	2
Amendment 644045 Adopted Without Objection				9/
HB 6515 Favorable With Committee Substitute  Amendment 318299 Adopted Without Objection	Yeas:	11	Nays:	1
HB 6521 Favorable With Committee Substitute  Amendment 353361 Adopted Without Objection	Yeas:	10	Nays:	1
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

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

### Attendance:

	Present	Absent	Excused
Heather Fitzenhagen (Chair)	X		
Daniel Burgess, Jr.	Х		
Colleen Burton	X		
Cord Byrd	Х		SN-0
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	Х		
Barbara Watson	Х		
Frank White	X		
Totals:	14	0	1

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 329 : Child Protection

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.	Х				
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			- W	
Frank White	X				
Heather Fitzenhagen (Chair)	X		V-21V		
	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

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 363: Temporary Care of a Child

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.			Х		
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

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

PCS for HB 735 : Covenants and Restrictions of Property Owners

X Favorable With Amendment(s)

	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: 12	Total Nays: 0	)		

### **PCS for HB 735 Amendments**

### Amendment PCS for HB 735 a2

X Adopted Without Objection

### Amendment PCS for HB 735 a1

X 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

### **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

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.	X41 Y0X		Х		
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				X 4000 - 14 - 1
Ben Diamond	X				
Jay Fant		X	****		7. 10.
Erin Grall	X				
Shawn Harrison	Х		The state of the s	***	
George Moraitis, Jr.	X		***		
Sean Shaw	X				
Cynthia Stafford			Х		
Jackie Toledo	X	****			
Barbara Watson	X				
Frank White	X	**************************************	*		
Heather Fitzenhagen (Chair)	X				
	Total Yeas: 12	Total Nays: 1			

#### **HB 6503 Amendments**

### Amendment 930533

X 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

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

HB 6509 : Relief/Robert Allan Smith/Orange County

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.		(4 Me)	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

X 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

### **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

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.			Х		
Colleen Burton	X				
Cord Byrd	X				
John Cortes	X				
Ben Diamond			X		
Jay Fant		X	THE WO		
Erin Grall	X		744	***	
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X				
Cynthia Stafford			X		
Jackie Toledo	X		188		
Barbara Watson	X			NIN SUFFERENCE STATE OF SU	0.00
Frank White	X				
Heather Fitzenhagen (Chair)	X				Military -
	Total Yeas: 11	Total Nays: 1	·	<del>-</del>	

### **HB 6515 Amendments**

### Amendment 318299

X 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

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### Civil Justice & Claims Subcommittee

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Location: Sumner Hall (404 HOB)

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

X 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			Х		-
Jay Fant		X			
Erin Grall	X				
Shawn Harrison			Х		
George Moraitis, Jr.	X				
Sean Shaw	X	**************************************		1 74	-
Cynthia Stafford			X		
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X			7	
Heather Fitzenhagen (Chair)	X		1996-199		
	Total Yeas: 10	Total Nays: 1			

### **HB 6521 Amendments**

### Amendment 353361

X Adopted Without Objection

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

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

X | 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			The special section of the section o	
Ben Diamond			X		
Jay Fant	- I Prince   De-	X	Without the second		
Erin Grall	X				*
Shawn Harrison	X		3-01		
George Moraitis, Jr.	X				
Sean Shaw	X			<del></del>	W-044
Cynthia Stafford			X		
Jackie Toledo	X			700	
Barbara Watson	X		11 - 3 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		
Frank White	X				
Heather Fitzenhagen (Chair)	X				
	Total Yeas: 11	Total Nays:	1		

#### **HB 6523 Amendments**

### Amendment 338117

X Adopted Without Objection

### Civil Justice & Claims Subcommittee 3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

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

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.			X		8
Colleen Burton		X	48		***************************************
Cord Byrd	X		*****		
John Cortes	X			Miles	
Ben Diamond			X	*	
Jay Fant	5. 200 - 78 - 187	X			
Erin Grall	X				7
Shawn Harrison	X				
George Moraitis, Jr.		X			
Sean Shaw	X			,	
Cynthia Stafford			X		774
Jackie Toledo	X				
Barbara Watson	X				W. A.
Frank White	X		· · · · · · · · · · · · · · · · · · ·		
Heather Fitzenhagen (Chair)	X				
	Total Yeas: 9	Total Nays: 3			

#### **HB 6529 Amendments**

### Amendment 383777

X Adopted Without Objection

### Appearances:

Relief/ Lillan Beauchamp/ St. Lucie County School Board Mallette, Kelly (Lobbyist) - Opponent School District of St. Lucie County 104 W. Jefferson Street Tallahassee FL 32301

Relief/ Lillan 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

Phone: 850-224-3427

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### 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/ Lillan 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

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

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

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.			X		
Colleen Burton	X				
Cord Byrd	X				77
John Cortes	X				W W W W W
Ben Diamond			X	or be	
Jay Fant		X			
Erin Grall	X			-	
Shawn Harrison	X				
George Moraitis, Jr.	X				
Sean Shaw	X			-	*
Cynthia Stafford			X		
Jackie Toledo	X				<u> </u>
Barbara Watson	X		W- M-		- 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Frank White	X	100-0	M - 102		
Heather Fitzenhagen (Chair)	X				3,540,544
	Total Yeas: 11	Total Nays: 1	M		

### **HB 6531 Amendments**

### Amendment 570777

X Adopted Without Objection

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### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

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

X | Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.	X		19-7-118-11		
Colleen Burton	X			-	
Cord Byrd	X	2001			
John Cortes	X			<del> </del>	
Ben Diamond	X				
Jay Fant		X			
Erin Grall	X		1 100 3113	X X X X	
Shawn Harrison	X			T	
George Moraitis, Jr.	X				
Sean Shaw	X	1908		76 Washing to Scale	3.00
Cynthia Stafford			Х	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Jackie Toledo	X			W-10-W-10-W-20-W-20-W-20-W-20-W-20-W-20-	
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X		119,34		
	Total Yeas: 13	Total Nays: 1			

### **HB 6533 Amendments**

#### Amendment 654433

X 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

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### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

PCB CJC 17-01 : Clerks of the Circuit Court

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.			Х	<del></del>	
Colleen Burton	X			****	-
Cord Byrd	X				
John Cortes	X		*		
Ben Diamond	X	****			
Jay Fant	X		-		
Erin Grall	X				
Shawn Harrison	X		- 20	-	
George Moraitis, Jr.	X			-	T
Sean Shaw	X				
Cynthia Stafford			X		
Jackie Toledo	X	W		***	
Barbara Watson	X	100000000000000000000000000000000000000			
Frank White	X		0.2	- 1944	
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

### **Civil Justice & Claims Subcommittee**

3/8/2017 12:00PM

Location: Sumner Hall (404 HOB)

PCB CJC 17-02: Termination of a Condominium Association

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Daniel Burgess, Jr.			X		
Colleen Burton	X	V A POST OF THE PROPERTY OF TH			
Cord Byrd	X				
John Cortes	X				
Ben Diamond	X				
Jay Fant	X		78 001		
Erin Grall	X				
Shawn Harrison	X		2.17		
George Moraitis, Jr.	X		1 10		
Sean Shaw	X				
Cynthia Stafford			X		10.
Jackie Toledo	X				
Barbara Watson	X				
Frank White	X				
Heather Fitzenhagen (Chair)	X				
	Total Yeas: 13	Total Nays: 0			

### Appearances:

Termination of a Condomininum Association

Dunbar, Peter (Lobbyist) - Information Only

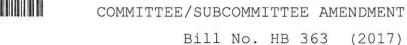
Real Property, Probate & Trust Law Section of the Florida Bar

215 S Monroe St Ste 815

Tallahassee FL 32301

Phone: (850) 999-4100

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COMMITTEE/SUBCOMMIT	TEE AC	CTION	Doloch
ADOPTED		(Y/N)	× V3
ADOPTED AS AMENDED		(Y/N)	Moon
ADOPTED W/O OBJECTION		(Y/N)	1 03,1
FAILED TO ADOPT		(Y/N)	Xed
WITHDRAWN		(Y/N)	Bgol,
OTHER			V.

Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative White offered the following:

### Amendment (with title amendment)

Remove lines 37-143 and insert:

- (b) "Qualified association" means an association that establishes, publishes, and requires compliance with minimum best practice standards for operating a program that assists parents in providing temporary respite care for a child by a volunteer respite family.
- (c) "Qualified nonprofit organization" or "organization" means a private Florida nonprofit organization that assists parents by providing temporary respite care for children by volunteer respite families that are under a contract for care and in compliance with the best practice standards of a

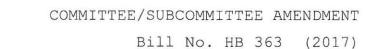
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qualified association. The organization shall provide assistance and support to parents and training and support for volunteer respite families.

- (d) "Volunteer respite family" means an individual or a family who voluntarily agrees to provide, without compensation, temporary respite care for a child, with the assistance of a qualified nonprofit organization, pursuant to a contract for care with the child's parent.
- (e) "Volunteer respite home" means the home of a volunteer respite family.
  - (2) DUTIES OF THE QUALIFIED NONPROFIT ORGANIZATION. -
- (a) A qualified nonprofit organization that provides services assisting parents in providing for the temporary respite care of their child with a volunteer family shall:
- 1. Establish its program under an agreement or certification with a qualified association;
- 2. Prior to allowing personnel, members of the volunteer respite home, or other program volunteers to have contact with a child, work with the department to ensure that background screenings of the personnel of the organization and members of the volunteer respite home are conducted in compliance with the screening requirements in s. 409.175 and chapter 435. Persons required to be screened pursuant to this section include:
- a. Employees of the organization who have direct contact with children while assisting parents in providing temporary

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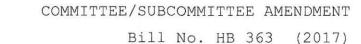




respite care.
b. Members of the volunteer respite family or persons
residing in the volunteer respite home who are older than 12
years of age. However, members of a volunteer respite family or
persons residing in the volunteer respite home who are between
the ages of 12 years and 18 years are not required to be
fingerprinted but must be screened for delinquency records.
3. Train all volunteer respite families, such training to
<pre>include:</pre>
a. Discussion of the rights, duties, and limitations
regarding providing temporary care for a child under a contract
for care authorized under this chapter;
b. An overview of program processes, including intake and
working with third party service providers like schools and
medical professionals;
c. General safety requirements, including SIDS,
supervision, and water/pool safety;
d. Appropriate and constructive disciplinary practices,
including the prohibition of physical punishment and the
prohibition of discipline that is severe, humiliating,
frightening, or associated with food, rest, or toileting;
e. Abuse and maltreatment reporting requirements, including
proper cooperation with the department;
f. Confidentiality; and
g. Building a healthy relationship with the child's

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biological family.
4. Be solely responsible for ongoing supervision of each
placement of a child with a volunteer respite family approved by
the organization;
5. Maintain records on each volunteer respite family and
child served, including, but not limited to:
a. The name and age of the child;
b. The name, address, telephone number, e-mail address, and
other contact information for the child's parents;
c. The name, address, telephone number, e-mail address, and
other contact information for the child's volunteer respite
family;
d. A copy of the contract for respite care executed
pursuant to this section; and
e. Proof of the volunteer respite family's compliance with
the personnel screening requirements under this chapter.
6. Provide the following information to the department on
an annual basis:
a. The name, address, telephone number, e-mail address, and
other contact information of the organization.
b. The name of the organization's director.
c. The names and addresses of the officers and members of
the governing body of the organization.
d. The total number of approved volunteer respite families
currently working with the organization and the total number of

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

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COMMITTEE/SUBCOMMITTEE AMENDMENT
Bill No. PCS for HB 735 (2017)

Amendment No. 1

COMMITTEE/SUBCOMMIT	TEE ACTION DEST	
ADOPTED	(Y/N)	
ADOPTED AS AMENDED	— (A/N) ") Sy.	
ADOPTED W/O OBJECTION	(Y/N)	
FAILED TO ADOPT	(Y/N) (O)	
WITHDRAWN	(A/N) Sport	
OTHER		

Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Edwards offered the following:

### Amendment

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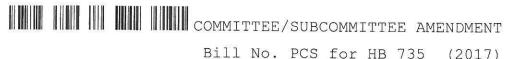
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15

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

PCS for HB 735 a1

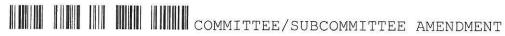


16 covenant must follow the procedural requirements set forth in s.
17 125.66

Remove lines 95-103 and insert:

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 municipality's approval or issuance of a development permit does not preclude a municipality 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 covenant must follow the procedural requirements set forth in s. 166.041(c), Florida Statutes. This section does not prohibit a municipality from

PCS for HB 735 al



Bill No. PCS for HB 735 (2017)

Amendment No. 2

Josephon Wishout Wisection COMMITTEE/SUBCOMMITTEE ACTION ADOPTED (Y/N)ADOPTED AS AMENDED (Y/N)ADOPTED W/O OBJECTION (Y/N)(Y/N) FAILED TO ADOPT WITHDRAWN (Y/N) OTHER

Committee/Subcommittee hearing bill: Civil Justice & Claims

Subcommittee

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Representative Edwards offered the following:

Amendment

Remove line 422 and insert:

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

PCS for HB 735 a2



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Amendment No. 1

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Committee/Subcommittee hearing bill: Civil Justice & Claims
Subcommittee

Representative Shaw offered the following:

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Remove lines 69-81 and insert:

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

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

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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.

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Amendment No. 1

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COMMITTEE/SUBCOMMIT	TEE ACTION ( )
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Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Cortes, B. offered the following:

### Amendment (with title amendment)

Remove everything after the enacting clause and insert:

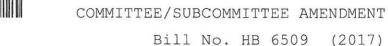
Section 1. The facts stated in the preamble to this act

are found and declared to be true.

Section 2. Orange County is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$2,813,536.09 payable to Robert Allan Smith as compensation for injuries and damages sustained as a result of the negligence of an employee of Orange County.

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

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Administration the amount due under section 409.910, Florida

Statutes, prior to disbursing any funds to the claimant. The amount due to the agency shall be equal to all unreimbursed medical payments paid by Medicaid up to the date upon which this bill becomes law.

Section 4. The amount paid pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the preamble to this act which resulted in the injuries and damages sustained by Robert Allan Smith. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$562,707.218, the total amount paid for lobbying fees may not exceed

similar expenses relating to this claim may not exceed \$70,351.88.

\$140,676.80, and the total amount paid for costs and other

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

An act for the relief of Robert Allan Smith by Orange County; providing for an appropriation to compensate

TITLE AMENDMENT

Remove everything before the enacting clause and insert:

him for injuries sustained as a result of the negligence of an employee of Orange County; providing

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Amendment No. 1

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

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

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

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

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

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

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Amendment No. 1

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

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

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

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

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

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

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

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### Amendment No. 1

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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

	WHEREAS	, after	entry	of th	ne judo	gment,	Orange	e County	has
made	partial	payment	to Ro	obert	Allan	Smith	in the	e amount	of
\$100,	,000, bu	t the re	emainde	er of	the ju	udgment	t remai	ins whol	ly
unsat	cisfied,	pending	passa	age of	f this	act in	nto lav	w, NOW,	
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Amendment No. 1

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COMMITTEE/SUBCOMMITTEE	ACTION (5)
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Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Jones offered the following:

### Amendment (with title amendment)

Remove lines 37-55 and insert:

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

Section 3. The amount paid by the Division of Risk

Management of the Department of Financial Services pursuant to
s. 768.28, Florida Statutes, and the amount awarded under this
act are intended to provide the sole compensation for all

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Amendment No. 1

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

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

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### TITLE AMENDMENT

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Remove lines 4-5 and insert:

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providing an appropriation to compensate the parents for the loss of their

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Amendment No. 1

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Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Byrd offered the following:

### Amendment (with title amendment)

Remove lines 86-98 and insert:

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

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

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Amendment No. 1

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

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TITLE AMENDMENT

Remove line 4 and insert:

Beauchamp, by the St. Lucie County School District;

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Amendment No. 1

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Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Diaz, J. offered the following:

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Remove lines 166-168 and insert:

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

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Amendment No. 1

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Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Jenne offered the following:

### Amendment (with title amendment)

Remove lines 76-95 and insert:

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

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

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Amendment No. 1

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

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Remove lines 68-70 and insert:

TITLE AMENDMENT

Florida Statutes, NOW, THEREFORE

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Amendment No. 1

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- (Y/N)	Pyes
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-	(Y/N) (Y/N) (Y/N) (Y/N)

Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Drake offered the following:

### Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

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

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

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

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Amendment No. 1

### TITLE AMENDMENT

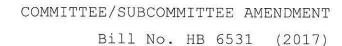
Remove everything before the enacting clause and insert:
An act for the relief of Dustin Reinhardt by the Palm
Beach County School Board; providing for an
appropriation and annuity to compensate him for
injuries sustained as a result of the negligence of
employees of the Palm Beach County School District;
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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skull and facial reconstruction procedures, was placed in a chemically induced coma, and spent more than 4 weeks in the intensive care unit, and

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

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

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

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

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

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Amendment No. 1

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Committee/Subcommittee hearing bill: Civil Justice & Claims Subcommittee

Representative Grant, J. offered the following:

#### Amendment

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Remove lines 92-109 and insert:

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

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Amendment No. 1

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

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