



Civil Justice Subcommittee

**Tuesday, October 20, 2015
1:00 PM – 3:00 PM
Sumner Hall (404 HOB)**

ACTION PACKET

**Steve Crisafulli
Speaker**

**Kathleen Passidomo
Chair**

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

10/20/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

Summary:

Civil Justice Subcommittee

Tuesday October 20, 2015 01:00 pm

| | | | |
|---------------|--------------------------------------------|----------|---------|
| HB 111 | Favorable | Yeas: 13 | Nays: 0 |
| HB 131 | Favorable With Committee Substitute | Yeas: 13 | Nays: 0 |
| | Amendment 964183 Adopted Without Objection | | |
| | Am 1 (Strike All) | | |
| PCS for HB 23 | Favorable | Yeas: 13 | Nays: 0 |
| | Amendment PCS for HB 23 a1 Withdrawn | | |
| | Am 1 | | |

Committee meeting was reported out: Tuesday, October 20, 2015 2:05:46PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

10/20/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|----------------------------|----------------|---------------|----------------|
| Kathleen Passidomo (Chair) | X | | |
| Lori Berman | X | | |
| Colleen Burton | X | | |
| Dwight Dudley | X | | |
| Walter Hill | X | | |
| Kionne McGhee | X | | |
| Larry Metz | X | | |
| George Moraitis, Jr. | X | | |
| Cary Pigman | X | | |
| Cynthia Stafford | X | | |
| Charlie Stone | X | | |
| Jennifer Sullivan | X | | |
| John Wood | X | | |
| Totals: | 13 | 0 | 0 |

Committee meeting was reported out: Tuesday, October 20, 2015 2:05:46PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

10/20/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

HB 111 : Jury Service

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|----------------------------|-----------------------|----------------------|----------------|-------------------------|-------------------------|
| Lori Berman | X | | | | |
| Colleen Burton | X | | | | |
| Dwight Dudley | X | | | | |
| Walter Hill | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | X | | | | |
| George Moraitis, Jr. | X | | | | |
| Cary Pigman | X | | | | |
| Cynthia Stafford | X | | | | |
| Charlie Stone | X | | | | |
| Jennifer Sullivan | X | | | | |
| John Wood | X | | | | |
| Kathleen Passidomo (Chair) | X | | | | |
| | Total Yeas: 13 | Total Nays: 0 | | | |

Committee meeting was reported out: Tuesday, October 20, 2015 2:05:46PM

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

10/20/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

HB 131 : Persons or Domestic Animals Unattended in Motor Vehicles

Favorable With Committee Substitute

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|----------------------------|-----------------------|----------------------|----------------|-------------------------|-------------------------|
| Lori Berman | X | | | | |
| Colleen Burton | X | | | | |
| Dwight Dudley | X | | | | |
| Walter Hill | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | X | | | | |
| George Moraitis, Jr. | X | | | | |
| Cary Pigman | X | | | | |
| Cynthia Stafford | X | | | | |
| Charlie Stone | X | | | | |
| Jennifer Sullivan | X | | | | |
| John Wood | X | | | | |
| Kathleen Passidomo (Chair) | X | | | | |
| | Total Yeas: 13 | Total Nays: 0 | | | |

HB 131 Amendments

Amendment 964183

Adopted Without Objection

Committee meeting was reported out: Tuesday, October 20, 2015 2:05:46PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|----------|----------------|
| ADOPTED | — | (Y/N) |
| ADOPTED AS AMENDED | — | (Y/N) |
| ADOPTED W/O OBJECTION | <u>Y</u> | (Y/N) 10-20-15 |
| FAILED TO ADOPT | — | (Y/N) |
| WITHDRAWN | — | (Y/N) |
| OTHER | _____ | |

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Young offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 768.139, Florida Statutes, is created
7 to read:

8 768.139 Rescue of vulnerable person or domestic animal
9 from a motor vehicle; immunity from civil liability.—

10 (1) DEFINITIONS.—As used in this section, the term:

11 (a) "Domestic animal" means a dog, cat, or other animal
12 that is domesticated and kept as a household pet. The term does
13 not include livestock or other farm animals.

14 (b) "Motor vehicle" has the same meaning as provided in s.
15 320.01.

16 (c) "Vulnerable person" means:

17 1. A disabled adult as defined in s. 825.101(3).



Amendment No. 1

18 2. An elderly person as defined in s. 825.101(4).

19 3. A minor.

20 (2) IMMUNITY FOR DAMAGE TO MOTOR VEHICLE.—A person who
21 enters a motor vehicle, by force or otherwise, for the purpose
22 of removing a vulnerable person or domestic animal is immune
23 from civil liability for damages to the motor vehicle if the
24 person:

25 (a) Determines the motor vehicle is locked or there is
26 otherwise no reasonable method for the vulnerable person or
27 domestic animal to exit the motor vehicle without assistance.

28 (b) Has a good faith and reasonable belief, based upon the
29 known circumstances, that entry into the motor vehicle is
30 necessary because the vulnerable person or domestic animal is in
31 imminent danger of suffering harm.

32 (c) Ensures that law enforcement is notified prior to
33 entering the motor vehicle or immediately thereafter.

34 (d) Uses no more force to enter the motor vehicle and
35 remove the vulnerable person or domestic animal than is
36 necessary.

37 (e) Remains with the vulnerable person or domestic animal
38 in a safe location, in reasonable proximity to the motor
39 vehicle, until law enforcement or other first responder arrives.

40 (3) APPLICABILITY.—This section does not limit or expand
41 any immunity provided under s. 768.13 for the care or treatment
42 of the vulnerable person or domestic animal.

43 Section 2. This act shall take effect upon becoming a law.



Amendment No. 1

44
45
46
47
48
49
50
51
52

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

Remove everything before the enacting clause and insert:
An act relating to unattended persons and animals in motor
vehicles; creating s. 768.139, F.S.; defining terms; providing
immunity from civil liability for entry into a motor vehicle to
remove a person or animal under certain circumstances; providing
for applicability; providing an effective date.

COMMITTEE MEETING REPORT

Civil Justice Subcommittee

10/20/2015 1:00:00PM

Location: Sumner Hall (404 HOB)

PCS for HB 23 : Powers of Attorney

Favorable

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|----------------------------|-----------------------|----------------------|---------|-----------------|-----------------|
| Lori Berman | X | | | | |
| Colleen Burton | X | | | | |
| Dwight Dudley | X | | | | |
| Walter Hill | X | | | | |
| Kionne McGhee | X | | | | |
| Larry Metz | X | | | | |
| George Moraitis, Jr. | X | | | | |
| Cary Pigman | X | | | | |
| Cynthia Stafford | X | | | | |
| Charlie Stone | X | | | | |
| Jennifer Sullivan | X | | | | |
| John Wood | X | | | | |
| Kathleen Passidomo (Chair) | X | | | | |
| | Total Yeas: 13 | Total Nays: 0 | | | |

PCS for HB 23 Amendments

Amendment PCS for HB 23 a1 - Am 1

Withdrawn

Appearances:

PCS for HB 23

Dunbar, Pete (Lobbyist) - Information Only

Real Property Section of the Florida Bar

215 S Monroe Street, Suite 815

Tallahassee FL 32301

Phone: 850-999-4100

Committee meeting was reported out: Tuesday, October 20, 2015 2:05:46PM



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 | <u>Y</u> | (Y/N) |
| OTHER | _____ | |

WITHDRAWN - 10-20-15

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Raburn offered the following:

Amendment

Remove lines 80-96 and insert:

6 e. Requires all directors, officers, and employees of the
 7 not-for-profit corporation, and any person who acts on behalf of
 8 the not-for-profit corporation in its role as an agent, to
 9 submit, at their own expense or at the expense of the
 10 corporation, but never at the cost of any principal, to a credit
 11 history investigation and to undergo a level 2 background
 12 screening as required under s. 435.04. The corporation shall
 13 maintain a file on each director, officer, and employee, and any
 14 person who acts on behalf of the corporation in its role as an
 15 agent, and retain in the file documentation of the result of any
 16 credit history investigation and criminal history record check

PCS for HB 23 a1

Published On: 10/19/2015 6:08:40 PM

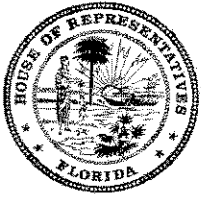


Amendment No. 1

17 | conducted under this sub-subparagraph. The clerk of court may
18 | audit such files.

19 | (I) The background screening must be completed by
20 | undergoing an electronic fingerprint criminal history record
21 | check by any acceptable method under s. 744.3135(3).
22 | Fingerprints shall be retained and used by the Department of Law
23 | Enforcement as provided in s. 744.3135(4)(b). The entity
24 | completing the criminal history record check must immediately
25 | send the results to the corporation. The corporation must allow
26 | a principal to review the criminal history record check as to
27 | any person acting on behalf of such principal.

28 | (II) A credit history investigation may be completed by
29 | any acceptable method under s. 744.3135(5)(b). A credit history
30 | investigation shall be completed at least once every 2 years
31 | after the initial check.



COMMITTEE/SUBCOMMITTEE APPEARANCE RECORD

Please fill out the entire form and submit two copies to the committee/subcommittee Administrative Assistant at the meeting.

Type or Print Clearly

Bill Number: HB 23 Meeting Date: 10-20-15

Fill in appropriate information:

PCB/PCS/Amendment # or Presentation/Workshop Topic: _____

Committee/Subcommittee: _____

Name: Pete Dunbar

Title: _____

Address: 215 S. Monroe Suite 815

City: Tallahassee State/Zip: 32301

Phone Number: 999-4100

Representing: Real Property Probate & Trust Law Section

Registered Lobbyist: YES NO

State Employee: YES NO

I Wish To Speak: YES NO

I Have Been Requested to Speak: YES NO

| Bill | | Amendment | |
|------------------------------------|----------------------------------------------|------------------------------------|-----------------------------------|
| Proponent <input type="checkbox"/> | Opponent <input checked="" type="checkbox"/> | Proponent <input type="checkbox"/> | Opponent <input type="checkbox"/> |
| Info Only <input type="checkbox"/> | | Info Only <input type="checkbox"/> | |