

Tab 1 SB 236 by Hutson; (Similar to CS/H 00837) Civil Remedies							
604216	A	S	UNFAV	BI, Thompson	Delete L.203 - 386.	03/08 05:43 PM	
938524	A	S	UNFAV	BI, Thompson	Delete L.387 - 543.	03/08 05:43 PM	
601968	A	S	UNFAV	BI, Powell	Delete L.544 - 552.	03/08 05:43 PM	
425210	A	S	RCS	BI, Hutson	Delete L.814 - 818:	03/08 05:43 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

BANKING AND INSURANCE
Senator Boyd, Chair
Senator DiCeglie, Vice Chair

MEETING DATE: Tuesday, March 7, 2023

TIME: 4:00—6:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Boyd, Chair; Senator DiCeglie, Vice Chair; Senators Broxson, Burgess, Burton, Hutson, Ingoglia, Mayfield, Powell, Thompson, Torres, and Trumbull

TAB		BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 236 Hutson (Similar CS/H 837, Compare H 1165)		Civil Remedies; Creating a rebuttable presumption that a lodestar fee is a sufficient and reasonable attorney fee in most civil actions; reducing the statute of limitations for negligence actions; providing standards for bad faith actions; providing standards for the admissibility of evidence to prove the cost of damages for medical expenses in certain civil actions; providing that a party in a negligence action who is at fault by a specified amount may not recover damages under a comparative negligence action, etc. BI 03/07/2023 Fav/CS JU FP	Fav/CS Yeas 8 Nays 3

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Banking and Insurance

BILL: SB 236

INTRODUCER: Banking and Insurance Committee and Senator Hutson

SUBJECT: Civil Remedies

DATE: March 2, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Thomas	Knudson	BI	Fav/CS
2.			JU	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 236 makes the following changes to Florida's civil justice system:

- Provides that a contingency fee multiplier for an attorney fee award is appropriate only in a rare and exceptional circumstance, adopting the federal standard.
- Reduces the statute of limitations for general negligence cases from 4 years to 2 years.
- Modifies Florida's "bad faith" framework to:
 - Provide an insurer has no liability for bad faith failure to settle a liability claim if the insurer tenders the lesser of the policy limits or the amount demanded by the claimant before a complaint is filed, or within 90 days after service of the complaint.
 - Provide that negligence alone is not enough to demonstrate bad faith.
 - Require insureds, claimants, and their representatives to act in good faith with respect to furnishing information, making demands, setting deadlines, and attempting to settle the insurance claim.
 - Allow an insurer, when there are multiple claimants in a single action, to limit the insurer's bad faith liability by paying the total amount of the policy limits at the outset to the court through an interpleader action or, through binding arbitration, making the entire policy limits available for payment to the competing third-party claimants.
- Provides a uniform process for the admissibility and the calculation of medical damages in personal injury or wrongful death actions, thereby, modifying the collateral source rule limiting the introduction of evidence for medical damages.
- Requires the trier of fact in a negligent security action against the owner, lessor, operator, or manager of commercial or real property brought by a person lawfully on the property who

was injured by the criminal act of a third party, to consider the fault of all persons who contributed to the injury.

- Applies the offer of judgment statute to any civil action involving an insurance contract.
- Except for causes of action for personal injury or wrongful death arising out of medical negligence, changes Florida's comparative negligence system from a "pure" comparative negligence system to a "modified" comparative negligence system, whereby a plaintiff who is found to be more than 50 percent at fault for his or her own harm may not recover damages from any defendant.
- Repeals Florida's one-way attorney fee provisions for insurance cases.
- Provides that the amendment to the statute of limitation applies prospectively to causes of action accruing after the effective date of the bill, that the remainder of the bill applies to causes of action filed after the effective date, and that the bill shall not be construed to impair any right under an existing insurance contract.

The bill may have a positive fiscal impact on state and local government.

The bill takes effect upon becoming a law.

II. Present Situation:

Torts: Negligence, Elements, and Standards

A tort is a civil legal action to recover damages for a loss, injury, or death due to the conduct of another. Some have characterized a tort as a civil wrong, other than a claim for breach of contract, in which a remedy is provided through damages.¹ When a plaintiff files a tort claim, he or she alleges that the defendant's "negligence" caused the injury. Negligence means "doing something that a reasonably careful person would not do" in a similar situation or "failing to do something that a reasonably careful person would do" in a similar situation.² When a plaintiff seeks to recover damages for a personal injury and alleges that the injury was caused by the defendant's negligence, the plaintiff bears the legal burden of proving that the defendant's alleged action was a breach of the duty that the defendant owed to the plaintiff.³

Negligence Pleadings

To establish a claim for relief and initiate a negligence lawsuit, a plaintiff must file a "complaint." The complaint must state a cause of action and contain: a short and plain statement establishing the court's jurisdiction, a short and plain statement of the facts showing why the plaintiff is entitled to relief, and a demand for judgment for relief that the plaintiff deems himself or herself entitled. The defendant responds with an "answer," and provides in short and plain terms the defenses to each claim asserted, admitting or denying the averments in response.⁴

¹ BLACK'S LAW DICTIONARY (11th ed. 2019).

² Fla. Std. Jury Instr. Civil 401.3, *Negligence*.

³ Florida is a comparative negligence jurisdiction as provided in s. 768.81(2), F.S. In lay terms, if a plaintiff and defendant are both at fault, a plaintiff may still recover damages, but those damages are reduced proportionately by the degree that the plaintiff's negligence caused the injury.

⁴ Fla. R. Civ. P. 1.110.

Under the Florida Rules of Civil Procedure, allegations of fraud, mistake, and a denial of performance or occurrence must be pled with “particularity.”⁵

Four Elements of a Negligence Claim

To establish liability, the plaintiff must prove four elements:

- Duty – That the defendant owed a duty, or obligation, of care to the plaintiff;
- Breach – That the defendant breached that duty by not conforming to the standard required;
- Causation – That the breach of the duty was the legal cause of the plaintiff’s injury; and
- Damages – That the plaintiff suffered actual harm or loss.⁶

Burden or Standard of Proof

A “burden of proof” is the obligation a party bears to prove a material fact. The “standard of proof” is the level or degree to which an issue must be proved.⁷ The plaintiff carries the burden of proving, by a specific legal standard, that the defendant breached the duty that was owed to the plaintiff that resulted in the injury. In civil cases, two standards of proof generally apply:

- The “greater weight of the evidence” standard, which applies most often in civil cases, or
- The “clear and convincing evidence” standard, which is a higher standard of proof.⁸

However, both of these standards are lower than the “reasonable doubt” standard which is used in criminal prosecutions.⁹ Whether the greater weight standard or clear and convincing standard applies is determined by case law or the statutes that govern the underlying substantive issues.¹⁰

Greater Weight of the Evidence

The greater weight of the evidence standard of proof means “the more persuasive and convincing force and effect of the entire evidence in the case.”¹¹ Some people explain the “greater weight of the evidence” concept to mean that, if each party’s evidence is placed on a balance scale, the side that dips down, even by the smallest amount, has met the burden of proof by the greater weight of the evidence.

Clear and Convincing

The clear and convincing standard, a higher standard of proof than the greater weight of the evidence standard, requires that the evidence be credible and the facts which the witness testifies to must be remembered distinctly. The witness’s “testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue.” The evidence must be so strong that it guides the trier of fact to a firm conviction, to which there is no hesitation, that the allegations are true.¹²

⁵ Fla. R. Civ. P. 1.120(b) and (c).

⁶ 6 *Florida Practice Series* s. 1.1; see *Barnett v. Dept. of Fin. Serv.*, 303 So.3d 508, 513 (Fla. 2020).

⁷ 5 Fla. Prac. Civil Practice s. 16.1, (2020 ed.)

⁸ *Id.*

⁹ Thomas D. Sawaya, *Florida Personal Injury Law and Practice with Wrongful Death Actions*, s. 24:4 (2020).

¹⁰ 5 Fla. Prac. Civil Practice s. 16.1 (2020 ed.).

¹¹ Fla. Std. Jury Instr. 401.3, *Greater Weight of the Evidence*.

¹² *Slomowitz v. Walker*, 429 So.2d 797, 800 (Fla. 4th DCA 1983) as discussed in the Sawaya treatise, *supra* at s. 24:4.

Standards of Care and Degrees of Negligence

Courts have developed general definitions for the degrees of negligence.

Slight Negligence

Slight negligence is generally defined to mean the failure to exercise a great amount of care typical of an extraordinarily prudent person.¹³

Ordinary Negligence

Ordinary negligence, which is also referred to as simple negligence, is the standard of care applied to the vast majority of negligence cases. It is characterized as the conduct that a reasonable and prudent person would know could possibly cause injury to a person or property.¹⁴

Gross Negligence

Gross negligence means the failure of a person to exercise slight care. Florida courts have defined gross negligence as the type of conduct that a “reasonably prudent person knows will probably and most likely result in injury to another” person.¹⁵

In order for a plaintiff to succeed on a claim involving gross negligence, he or she must prove:

- Circumstances, which, when taken together, create a clear and present danger;
- Awareness that the danger exists; and
- A conscious, voluntary act or omission to act, that will likely result in an injury.^{16, 17}

Statute of Limitations

A statute of limitation establishes a time limit for a plaintiff to file an action, or the case will be barred. “Statutes of limitations are designed to protect defendants from unusually long delays in the filing of lawsuits and to prevent prejudice to defendants from the unexpected enforcement of stale claims.”¹⁸ Similarly, statutes of limitations “are designed to promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared.”¹⁹ A statute of limitation begins to run when the cause of action accrues. A cause of action accrues when the last element constituting the cause of action occurs.²⁰ In a personal injury action based on the negligent act of

¹³ Sawaya, *supra* at s. 2:12.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Culpable negligence is a fourth degree of negligence but is not discussed in this analysis.

¹⁸ *Caduceus Properties, LLC, v. Graney*, 137 So.3d 987, 992 (Fla. 2014) (citing *Totura & Co. v. Williams*, 754 So.2d 671, 681 (Fla. 2000)).

¹⁹ *Order of Railroad Telegraphers v. Railway Express Agency*, 321 U.S. 342, 348-89 (1944).

²⁰ Section 95.031(1)(a), F.S.

another, the last element occurs when the plaintiff is injured.²¹ In Florida, an action for a negligence claim must be brought within 4 years after the cause of action accrues.²²

Florida's is among only four states²³ that have a statute of limitation of 4 years for negligence actions. Only three states have statutes of limitation longer than 4 years.²⁴ Forty-three states and the District of Columbia have statutes of limitation of less than 4 years (16 states²⁵ and the District of Columbia have a 3 year statute of limitation, 24 states²⁶ have a 2 year statute of limitation, and three states²⁷ have a 1 year statute of limitation).

Statutory and Common Law Bad Faith Actions

Insurance, Generally

Insurance is a contract between an insurance company (“insurer”) and the insurance policy’s beneficiary (“the insured”), in which, for specified consideration called a “premium,” the insurer agrees to pay the insured or third-party claimants for covered losses.²⁸ An insurer generally owes two significant contractual duties to its insured in exchange for premium payments: the duty to indemnify and the duty to defend.²⁹

- The “duty to indemnify” refers to the insurer’s obligation to issue payment to the insured on a valid claim.³⁰ For example, an insured may purchase a policy requiring the insurer to repair or replace the insured’s vehicle in the event of a car accident. If a covered accident then occurs, causing the insured’s vehicle to be destroyed, the duty to indemnify requires the insurer to replace the insured’s vehicle.
- The “duty to defend” refers to the insurer’s duty to defend the insured in court against a third party with respect to a covered claim.³¹ For example, an insured may purchase a liability policy in the event the insured causes a car accident and injures a third party. If a covered accident then occurs, causing injury to a third-party claimant who sues the insured, the duty to indemnify requires the insurer to defend the insured against the claimant’s lawsuit.

Insurer’s Common Law and Statutory Duties

Historically, damages in actions for breaches of insurance contracts were limited to those contemplated by the parties when they entered into the contract.³² As liability policies began to replace indemnity policies as the standard insurance policy form, courts recognized that insurers owed a duty to act in good faith towards their insureds.³³ Florida courts for many years have

²¹ 35 Fla. Jur 2d *Limitations and Laches* s. 65 (2020).

²² Section 95.11(3)(a), F.S.

²³ Nebraska, Wyoming, and Utah (2 years for wrongful death) are the others.

²⁴ Missouri (5 years), Maine (6 years) and North Dakota (6 years, 2 years for wrongful death).

²⁵ Arkansas, Maryland, Massachusetts, Michigan, Mississippi, Montana, New Hampshire, New Mexico, New York, North Carolina, Rhode Island, South Carolina, South Dakota, Vermont, Washington, and Wisconsin.

²⁶ Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Nevada, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and West Virginia.

²⁷ Kentucky, Louisiana, and Tennessee.

²⁸ 16 Williston on Contracts s. 49:103 (4th ed.).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

recognized an additional duty that does not arise directly from the insurance contract, the common law duty of good faith on the part of an insurer to the insured in negotiating settlements with third-party claimants.³⁴ The common law rule is that a third-party beneficiary who is not a formal party to a contract may sue for damages sustained as the result of the acts of one of the parties to the contract.³⁵ This is known as a third-party claim of bad faith. At common law, the insured cannot raise a bad faith claim against the insurer outside of the third-party claim context.³⁶

Florida's bad faith law and jurisprudence were designed to hold insurers accountable for failing to fulfill their contractual obligation to indemnify the insured or beneficiary on a valid claim.³⁷ Florida recognizes two distinct bad faith causes of action that may be initiated against an insurer. The first recognized bad faith cause of action provides a third-party common law cause of action when an insurer fails in good faith to settle a third party's claim against the insurer within policy limits and exposes the insured to liability in excess of his or her insurance coverage.³⁸ Florida courts do not recognize a *common law* first-party bad faith cause of action by the insured against its own insurer.³⁹ However, a first-party bad faith cause of action has been created by the legislature.

In 1982, the Legislature enacted s. 624.155, F.S. Section 624.155, F.S., recognizes a claim for bad faith against an insurer not only in the instance of settlement negotiations with a third party but also for an insured seeking payment from his or her own insurance company. Thus the section creates a first-party bad faith cause of action in Florida. Most property insurance claims are first-party claims⁴⁰, and bad faith actions on such claims may proceed only pursuant to s. 624.155, F.S. Here, bad faith is defined as the commission of any of the following acts by the insurer that damages any person:

- Violating certain provisions of the Florida Insurance Code such as specified provisions of the Unfair Insurance Trade Practices Act under s. 626.9541, F.S.
- Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured with due regard for her or his interests;
- Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or
- Except as to liability coverages, failing to promptly settle claims, when the obligation to settle the claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.⁴¹

³⁴ See *Auto. Mut. Indem. Co. v. Shaw*, 184 So. 852 (Fla. 1938).

³⁵ See *Thompson v. Commercial Union Insurance Company*, 250 So.2d 259 (Fla. 1971).

³⁶ See *Laforet*, 658 So.2d at 58-59.

³⁷ *Harvey v. GEICO General Insurance Company*, 259 So.3d 1, 6, (Fla. 2018) (quoting *Berges v. Infinity Insurance Company*, 896 So.2d 665, 682 (Fla. 2004)).

³⁸ *Opperman v. Nationwide Mutual Fire Insurance Company*, 515 So.2d 263, 265 (Fla. 5th DCA 1987).

³⁹ *State Farm Mut. Auto. Ins. Co. v. Laforet*, 658 So.2d 55, 58-59 (Fla. 1995).

⁴⁰ Homeowners insurance provides liability coverage, thus third-party litigation may occur under a property insurance policy.

⁴¹ Section 624.155(1)(a) and (b), F.S.

Florida courts have interpreted an insurer's obligation to "act fairly" towards its insured, holding that when the insured's liability is clear and an excess judgment⁴² is likely due to the resulting damage, the insurer has an affirmative duty to initiate settlement negotiations with third-party claimants.⁴³ If settlement fails, the insurer has the burden of showing that there was no realistic possibility of settling the claim within the policy limits.⁴⁴ However, failure to settle a claim, without more, does not necessarily mean that an insurer has acted in bad faith, as liability may be unclear or the damages may be minimal. Further, courts have generally indicated that merely negligently failing to settle a claim does not rise to the level of bad faith, though a jury may consider negligence in the larger context of whether bad faith occurred.⁴⁵

Damages available under an insurance contract are only those up to the policy limits, while damages available in a bad faith claim may be much higher, and may include:

- Damages the plaintiff incurred due to the insurer's bad faith conduct;⁴⁶
- Compensation for emotional distress, in certain circumstances;⁴⁷ and
- Punitive damages where the insurer's bad faith conduct occurred with such frequency as to constitute a general business practice and such conduct was:
 - Willful, wanton, and malicious;
 - In reckless disregard for the rights of any insured; or
 - In reckless disregard for the rights of a beneficiary under a life insurance contract.⁴⁸

Presuit Notice to Initiate Bad Faith Litigation under s. 624.155, F.S.

As a condition precedent to bringing a bad faith cause of action under s. 624.155, F.S., the insured must have provided the insurer and the Department of Financial Services at least 60 days written notice of the alleged violation.⁴⁹ The 60-day window contemplated under s. 624.155, F.S., provides insurers with a final opportunity to comply with their claim-handling obligations when a good-faith decision by the insurer would indicate that contractual benefits are owed.⁵⁰ The civil remedy notice must specify the following information:

- The statutory provision, including the specific language of the statute, which the authorized insurer allegedly violated;
- The facts and circumstance giving rise to the violation;
- The name of any individual involved in the violation;
- A reference to specific policy language that is relevant to the violation, if any. If the person bringing the civil action is a third-party claimant, she or he shall not be required to reference the specific policy language if the authorized insurer has not provided a copy of the policy to the third party claimant pursuant to written request; and

⁴² An "excess judgment" is a judgment in an amount over and above the insurance policy's coverage limits, which amount is paid out of the insured's own pocket.

⁴³ *Powell v. Prudential Prop. and Cas. Ins. Co.*, 584 So.2d 12, 14 (Fla. 3d DCA 1991).

⁴⁴ *Id.* at 14.

⁴⁵ *See DeLaune v. Liberty Mut. Ins. Co.*, 314 So.2d 601, 603 (Fla. 4th DCA 1975).

⁴⁶ Section 624.155(4), F.S.

⁴⁷ *Times Ins. Co., Inc. v. Burger*, 712 So.2d 389 (Fla. 1998).

⁴⁸ Section 624.155(5), F.S.

⁴⁹ Section 624.155(3), F.S.

⁵⁰ *See Talat Enterprises, Inc., v. Aetna Cas. and Sur. Co.*, 753 So.2d 1278, 1284 (Fla. 2000).

- A statement that the notice is given in order to perfect the right to pursue the civil remedy authorized under s. 624.155, F.S.⁵¹

This notice requirement does not apply to bad faith actions that proceed under the common law.

Response by the Insurer in Bad Faith Litigation

If the insurer fails to respond to a civil remedy notice under s. 624.155, F.S., within the 60-day window, there is a presumption of bad faith sufficient to shift the burden to the insurer to show why it did not respond.⁵² No action shall lie if the insurer responds within 60 days of receipt of the civil remedy notice by either paying damages or correcting the circumstances giving rise to the claim.⁵³

Indefiniteness About What Constitutes Bad Faith

In Florida, the question of whether the insurer has committed “bad faith” is generally a question for the jury, but Florida law does not define what conduct constitutes bad faith. In *Berges v. Infinity Ins. Co.*, the Florida Supreme Court noted that “the question of whether an insurer has acted in bad faith in handling claims against the insured is determined under the ‘totality of the circumstances’ standard . . . Each case is determined on its own facts and ordinarily the question of failure to act in good faith with due regard for the interests of the insured is for the jury.”⁵⁴

Three dissenting justices in the *Berges* case indicated that the problem with presuming that bad faith is a jury question is that a jury may be prejudiced in favor of a sympathetic injured person, regardless of whether the insurer actually committed bad faith, as follows:

What the jury knows in these cases is that there is a tragically and grievously injured victim, that the insured had very low limits of insurance, and that if the jury finds against the insurer, then all of the victim’s damages will be paid by the insurer. It is these very facts which are not allowed to be known by a jury in liability cases because of the known prejudicial influence these facts . . . have on jury verdicts.⁵⁵

Following the *Berges* decision, courts have noted that “[u]ntil there is a substantial change in the statutory scheme or the rationale explained in the majority opinion in *Berges*, however, juries will continue to render verdicts regarding an insurer’s alleged bad faith when the pertinent facts are in dispute.”⁵⁶ In any event, the *Berges* decision made it more difficult for an insurer to resolve a third-party bad faith lawsuit through a motion for summary judgment, as such motions are decided by the court based on questions of law, and whether an insurer acted in bad faith is now, under *Berges*, almost always a question of fact.

⁵¹ Section 624.155(3)(b)(1)-(5), F.S.

⁵² *Fridman v. Safeco Ins. Co. of Illinois*, 185 So.3d 1214, 1220, (Fla. 2016); *Imhof v. Nationwide Mut. Ins. Co.*, 643 So.2d 617, 619 (Fla 1994).

⁵³ *Id.*

⁵⁴ *Berges*, 896 So.2d at 680.

⁵⁵ *Id.* at 686, n. 12 (Wells, J., dissenting).

⁵⁶ *United Auto. Ins. Co. v. Estate of Levine ex rel. Howard*, 87 So.3d 782, 788 (Fla. 3d DCA 2011).

Statutory Bad Faith Actions against Property Insurers

Section 624.1551, F.S., provides that bad faith litigation for failure to settle a property insurance claim may not be filed until after the insured has established through adverse adjudication by a court that the insurer breached the insurance contract and a final judgment or decree has been rendered against the insurer. The acceptance of an offer of judgment or the payment of an appraisal award does not constitute an adverse adjudication. The difference between an insurer's appraiser's final estimate and the appraisal award may be evidence of bad faith but is not considered an adverse adjudication and does not on its own give rise to a cause of action for bad faith. The provision applies to civil remedy actions based upon a property insurer:

- Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for his or her interests;
- Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or
- Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy.

Transparency in Damages

Calculating Medical Damages

In a typical negligence action, the jury is responsible for determining the amount of damages to the plaintiff. In such action, the plaintiff may seek to inform the jury of the plaintiff's medical bills as evidence of the plaintiff's medical damages. However, Florida law generally prohibits defendants from introducing evidence of amounts accepted by a plaintiff's medical providers as evidence of the plaintiff's medical costs.⁵⁷ Whether a plaintiff's medical bills, instead of amounts accepted as payment in full, are reasonable evidence of a plaintiff's medical damages has become a matter of dispute because medical bills are often multiples of amounts typically accepted as payment in full.⁵⁸

Further complicating matters, is the fact that medical providers often have significantly different rates for an identical procedure, based on their contracts with an insurer, an accepted standard Medicare or Medicaid rate, or a negotiated discounted amount. Nonetheless, plaintiffs have an incentive to present large medical bills for past medical costs to a jury. Awards for past medical expenses influence awards for future medical costs and non-economic damages, including damages for pain and suffering.⁵⁹

⁵⁷ *Dial v. Calusa Palms Master Assn., Inc.*, 337 So.3d 1229, 1231-32 (Fla. 2022) (Polston, J. concurring)

⁵⁸ George A. Nation, III, *Hospital Chargemaster Insanity: Heeling the Healers*, 43 PEPP L. REV. 745 (2016) (stating that “[h]ospital list prices, contained in something called a chargemaster are insanely high, often running ten times the amount that hospitals routinely accept as full payment from insurers”).

⁵⁹ See *Durse v. Henn*, 68 So.3d 271, 275 (Fla. 4th DCA 2011). In *Durse*, the plaintiff argued that the admission of the full amount of his medical bills, not the amount accepted as payment in full, was necessary to establish the “value of future medical expenses and non-economic damages.” *Id.* Larger awards for past medical expenses would seem to promote larger awards for other types of damages.

Collateral Source Rule

Under Florida law, a “collateral source” is any payment made to a claimant or on a claimant’s behalf by or pursuant to:

- The United States Social Security Act, except Title XVIII and Title XIX; any federal, state, or local income disability act; or any other public programs providing medical expenses, disability payments, or other similar benefits, except those prohibited by federal law and those expressly excluded by law as collateral sources.
- Any health, sickness, or income disability insurance; automobile accident insurance that provides health benefits or income disability coverage; and any other similar insurance benefits, except life insurance benefits available to the claimant, whether purchased by her or him or provided by others.
- Any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services.
- Any contractual or voluntary wage continuation plan provided by employers or by any other system intended to provide wages during a period of disability.⁶⁰

At common law, the collateral source rule did two things:

- First, the rule ensured that a plaintiff could recover the full amount of damages suffered in a personal injury tort case. Under the rule, a court was prohibited from reducing the damages a plaintiff received by the benefits of collateral sources. As such, a plaintiff could recover the full value of the medical services billed, regardless of the amount that was actually paid for the services.
- Second, the rule prohibited a defendant from introducing evidence of collateral sources at trial for fear that introduction of such evidence would confuse and mislead the jury.⁶¹

Legislative Modification of the Collateral Source Rule

In 1986, the Legislature enacted the Tort Reform and Insurance Act (“Act”) which modified the first prong of the collateral source rule.⁶² The Act created s. 768.76, F.S., requiring a court to reduce the amount of damages awarded to a plaintiff from all collateral sources, except where a subrogation or reimbursement right exists.⁶³ For example, if a jury awards damages for past medical costs that were paid in full by the plaintiff’s health insurer, a court must reduce that award after the trial.

Goble v. Froman, a 2005 Florida Supreme Court case,⁶⁴ demonstrates how courts apply the Act in a case involving past paid medical damages. In *Goble*, the plaintiff’s medical providers billed him \$574,554 for treatment. However, because his insurer had a preexisting fee schedule with the medical providers, the providers accepted \$145,970, writing off more than \$400,000. The plaintiff argued on appeal that the jury award of \$574,554 should stand.

⁶⁰ Section 768.76(2)(a), F.S.

⁶¹ *Gormley v. GTE Prods. Corp.*, 587 So.2d 455, 458 (Fla. 1991).

⁶² Chapter 86-160, s. 55, L.O.F.

⁶³ Section 768.76(1), F.S.

⁶⁴ *Goble v. Frohman*, 901 So.2d 830, 834 (Fla. 2005).

The Second District Court of Appeal (DCA) disagreed, holding that the payments were collateral sources made on the claimant's behalf subject to setoff under s. 768.76, F.S.⁶⁵ On appeal, the Florida Supreme Court agreed, finding that permitting a setoff for contractual discounts was consistent with the Legislature's intent to reduce litigation costs when insurers are required to pay damages in excess of what an injured party actually incurred. Thus, the Act prevented the plaintiff from receiving a windfall of over \$400,000 in "phantom damages."⁶⁶

Even though the Act modified the first prong of the collateral source rule with respect to what damages a plaintiff could ultimately recover, the Act did not modify the second evidentiary prong of the rule. Accordingly, a plaintiff may still introduce into evidence the full amount of his or her medical bills; but a defendant may be prohibited from introducing the amounts paid and accepted in full satisfaction of those bills.⁶⁷ As such, it is possible that the jury will not be informed of the actual amounts that were paid and accepted for a plaintiff's medical care.⁶⁸

Letters of Protection

A "letter of protection" is a written agreement between a plaintiff and a medical provider wherein the provider agrees to defer collection on the medical bill until the plaintiff recovers in a lawsuit; upon recovery from a lawsuit, the provider is then paid from the proceeds of the lawsuit.⁶⁹ As such, a letter of protection may give the plaintiff's medical provider a financial interest in the outcome of the litigation.⁷⁰ If there is no favorable recovery, the client may remain liable to pay the medical bills.⁷¹

Letters of protection have sometimes been criticized as reflecting inflated, inaccurate amounts for medical damages that are not reflective of the usual and customary billing practices in the medical community.⁷² Since a letter of protection is an agreement in which the provider agrees not to collect payment for services until litigation has ended, there may not yet be a "paid value" available to present to the jury for consideration.

⁶⁵ *Goble v. Frohman*, 848 So.2d 406, 409 (Fla. 2d DCA 2003).

⁶⁶ *See Goble*, 901 So.2d at 834.

⁶⁷ Lance B. Stephan, *Sticker Shock: Florida Juries Still Awarding Phantom Damages*, 33 Trial Advoc. Q. 23 (Fall 2014).

⁶⁸ Instead of providing evidence of the amounts paid and accepted for the plaintiff's care, the defense must generally introduce evidence of the reasonable value of the medical care. See Instruction 501.2b., Fla. Std. Jury Instr. (Civ.).

⁶⁹ *Cf. Broward Outpatient Med. Ctr., LLC v. Fenstersheib Law Group, P.A.*, 307 So.3d 779, 780 (Fla. 4th DCA 2020) (quoting language from a letter of protection as follows: "[T]he attorney for the above [Plaintiff] (patient), does hereby agree to . . . withhold such sums from any settlement or judgment as may be necessary to adequately protect the above listed health care providers and to promptly pay such sums to them upon receipt of payment of any settlement or judgment without demand.").

⁷⁰ *See Carnival Corp. v. Jimenez*, 112 So.3d 513, 520 (Fla. 2d DCA 2013) ("Undeniably, the existence of the letter of protection gave Dr. Smith a financial interest in the outcome of Ms. Jimenez's personal injury action").

⁷¹ *See Smith v. Geico Cas. Co.*, 127 So.3d 808, 812 n.2 (Fla. 2d DCA 2013) (quoting Caroline C. Pace, *Tort Recovery for Medicare Beneficiaries: Procedures, Pitfalls and Potential Values*, 49 Hous. Law 24, 27 (2012)).

⁷² *Cf. Worley v. Central Fla. Young Men's Christian Ass'n, Inc.*, 228 So.3d 18, 24 (Fla. 2017) ("[A] Sea Spine employee testified during depositions that at the time of Worley's treatment, its entire practice was based on patients treated pursuant to LOPs"); *id.* at 27 (Polston, J., dissenting) ("YMCA contends, and has throughout the litigation, that these providers' bills are grossly inflated and do not reflect usual and customary billing practices within the medical community. Worley concedes that YMCA has sufficient evidence to argue that the medical bills [from the treating physicians in this case] are unreasonable").

Admissibility of Evidence Showing an Attorney Referred a Client for Medical Treatment

Florida's Evidence Code recognizes that certain communications are "privileged," and therefore may be confidential and not discoverable in a legal proceeding.⁷³ One such privilege is the lawyer-client privilege, which provides that a communication between lawyer and client is "confidential" if it is not intended to be disclosed to other persons except those to whom disclosure is in furtherance of the rendition of legal services to the client, and those reasonably necessary for the transmission of the communication.⁷⁴ The lawyer-client privilege does not apply to protect the communication when any of the following apply:

- The services of the lawyer were sought or obtained to enable anyone to commit or plan to commit a crime or fraud.
- A communication is relevant to an issue between parties who claim through the same deceased client.
- A communication is relevant to an issue of breach of duty by the lawyer to the client or by the client to the lawyer, arising from the lawyer-client relationship.
- A communication is relevant to an issue concerning the intention or competence of a client executing an attested document to which the lawyer is an attesting witness, or concerning the execution or attestation of the document.
- A communication is relevant to a matter of common interest between two or more clients if the communication was made by any of them to a lawyer retained or consulted in common when offered in a civil action between the clients or their successors in interest.⁷⁵

In 2017, the Florida Supreme Court decided *Worley v. Central Florida YMCA*,⁷⁶ where the issue was whether a communication between an attorney and a client in which the attorney referred the client to a particular medical treatment provider was admissible in court. In that case, the plaintiff suffered an injury when she fell in the defendant's parking lot. She subsequently went to the emergency room, where she was advised to see a knee pain specialist. The plaintiff ultimately retained an attorney, and only after she retained this attorney did she seek medical care from a particular orthopedic institute and other specified providers. Afterwards, the attorney filed suit on the plaintiff's behalf against the defendant, seeking to recover damages, including the costs of her medical care from those medical providers.⁷⁷

During the litigation discovery process, the attorneys for the defendant sought to discover the nature of the relationship between the plaintiff's law firm and the medical providers who treated the plaintiff's injuries. Specifically, at the first deposition, defense counsel asked the plaintiff whether she had been referred to her medical provider by her attorneys. Her attorneys objected to this line of questioning, arguing that such communications were protected by the lawyer-client privilege.

⁷³ See, e.g., s. 90.5015, F.S. (journalist's privilege); s. 90.502, F.S. (lawyer-client privilege); s. 90.503, F.S. (psychotherapist-patient privilege); s. 90.504, F.S. (husband-wife privilege); s. 90.505, F.S. (privilege with respect to communications to clergy).

⁷⁴ Section 90.502(1)(c), F.S.

⁷⁵ Section 90.502(4), F.S.

⁷⁶ 228 So.3d 18 (Fla. 2017).

⁷⁷ *Id.* at 20.

The Florida Supreme Court, by a 4-3 margin, agreed with the plaintiff, holding that “the question of whether a plaintiff’s attorney referred him or her to a doctor for treatment is protected by the attorney-client privilege.”⁷⁸ The Court concluded as follows:

Even in cases where a plaintiff’s medical bills appear to be inflated for the purposes of litigation, we do not believe that engaging in costly and time-consuming discovery to uncover a “cozy agreement” between the law firm and a treating physician is the appropriate response . . . Moreover, we worry that discovery orders such as the one in this case will inflate the costs of litigation to the point that some plaintiffs will be denied access to the courts, as attorneys will no longer be willing to advance these types of costs. Finally, attempting to discover this information requires the disclosure of materials that would otherwise be protected under the attorney-client privilege.⁷⁹

In contrast, the dissent in *Worley* argued that a lawyer’s referral of a client to a medical provider is for medical care, not for legal services and therefore, is not an attorney-client privileged communication.⁸⁰ In support of its position, the dissent cited several other court opinions finding that a referral or history of a referral relationship is relevant to financial bias. One of the cited cases also explained that a referral was relevant to “whether the expert has recommended an allegedly unnecessary and costly procedure with greater frequency in litigation cases, and whether the expert, as a treating physician, allegedly overcharged for the medical services at issue in the lawsuit.”⁸¹ In further support for its position, the dissent argued that if the financial relationship between an insurer and its expert is discoverable, which it is, the same relationship between a plaintiff’s law firm and its experts should also be discoverable.⁸²

Premises Liability

Premises liability refers to the duty of an individual or entity that owns or controls real property to reasonably operate and maintain such property for the safety of those who enter or remain on the property. Unlike ordinary negligence, which is based upon active negligence, a premises liability claim is based upon passive negligence; that is, a premises liability claim stems from the tortfeasor’s failure to act to prevent harm to the injured party and not from any affirmative actions of the tortfeasor.⁸³

Common premises liability claims include slip and fall accidents, dog bites, trip or misstep accidents, and swimming pool accidents. As to an invitee, a landowner or possessor is liable if he/she/it:

- Negligently failed to maintain the premises in a reasonably safe condition; or
- Negligently failed to correct a dangerous condition about which the defendant either knew or should have known, by the use of reasonable care; or

⁷⁸ *Id.* at 25.

⁷⁹ *Id.* at 26.

⁸⁰ *Id.* at 26-27.

⁸¹ *Id.* (quoting *Katzman v. Rediron Fabrication, Inc.*, 76 So.3d 1060, 1064 (Fla. 4th DCA 2011)).

⁸² *Id.* at 29-30.

⁸³ *Nicholson v. Stonybrook Apts., LLC*, 154 So.3d 490 (Fla. 4th DCA 2015).

- Negligently failed to warn the claimant of a dangerous condition about which the defendant had, or should have had, knowledge greater than that of claimant, and, if so, such negligence was a legal cause of loss, injury, or damage.⁸⁴

A premises liability claim may also involve negligent security allegations, in which a person injured by a third party's criminal acts (that is, a third party's intentional tort) on another's property attempts to hold the property owner liable for failing to provide adequate security measures on the property. To prevail on a negligent security claim, the plaintiff must prove that the:

- Plaintiff was lawfully present on the defendant's property;⁸⁵
- Defendant had a duty to provide adequate security on the property but breached such duty;⁸⁶
- Plaintiff was injured because of a third party's criminal act, which act was reasonably foreseeable to the defendant and would not have occurred but for the defendant's breach;⁸⁷ and
- Plaintiff incurred actual damages.⁸⁸

In Florida, comparative negligence does not apply to an action based upon an intentional tort.⁸⁹ Thus, when apportioning fault in a negligent security claim, a jury is unable to apportion fault to a criminal actor whose intentional conduct injured the plaintiff. This means the owner or operator of the premises where the criminal conduct occurred is financially responsible for all the damages caused by the criminal conduct of a third party.

⁸⁴ Fla. Std. Jury Instr. 401.20 *Issues on Plaintiff's Claim — Premises Liability*.

⁸⁵ The only duty a property owner owes to an undiscovered trespasser is to refrain from causing intentional harm, while the only duty he or she owes to a known trespasser is to refrain from committing gross negligence or intentional harm and to warn of known dangers that are not readily observable. *Nicholson*, 154 So.3d at 492.

⁸⁶ Generally, a property owner has no duty to protect another person from criminal acts committed by third parties on his or her property, but such a duty may arise where a special relationship exists between the property owner and the victim or between the property owner and the third party such that the property owner has a duty to control the third party's conduct. Special relationships recognized by Florida courts include landlord-tenant, hotel-guest, employer-employee, proprietor-patron, and school-student; all involve a person who has entered upon the property of another and in so doing lost a measure of control in providing for his or her own protection. *See, Stevens v. Jefferson*, 436 So.2d 33 (Fla. 1983); *K.M. ex rel. D.M. v. Publix Super Markets, Inc.*, 895 So.2d 1114 (Fla. 4th DCA 2005); *Gross v. Fam. Servs. Agency, Inc.*, 716 So.2d 337 (Fla. 4th DCA 1998); *Salerno v. Hart Fin. Corp.*, 521 So.2d 234 (Fla. 4th DCA 1988); Restatement 2d Torts s. 315; Frederic S. Zinober, *Litigating the Negligent Security Case: Who's In Control Here?*, 44 Stetson L. Rev. 289 (2015).

⁸⁷ Generally, a negligent person is not liable for the damages suffered by another when some separate force or action is an intervening cause of the harm, but where the intervening cause is foreseeable, the original negligent actor may still be held liable. Thus, a negligent security claim's success often hinges on the foreseeability of the crime committed, as property owners are not expected to prevent all possible crimes which may occur on their property. Whether or not a crime was foreseeable is a question of fact, but evidence of foreseeability may include the crime rate in the premises' immediate area, whether similar crimes have previously been committed on the premises, and the nature of the property itself (in other words, is the property of a type that is likely to attract crime). *Stevens*, 436 So.2d at 34-35; *Gibson v. Avis Rent-A-Car System, Inc.*, 386 So.2d 520 (Fla. 1980); *Williams v. Office of Sec. & Intelligence, Inc.*, 509 So.2d 1282 (Fla. 3d DCA 1987).

⁸⁸ *Globe Sec. Systems Co. v. Mayor's Jewelers, Inc.*, 458 So.2d 828 (Fla. 3d DCA 1984).

⁸⁹ Section 768.81(4), F.S.; *Merrill Crossings Assocs. v. McDonald*, 705 So.2d 560 (Fla. 1997).

Comparative Negligence

Joint and Several Liability

Traditionally, when multiple defendants contributed to a plaintiff's injury, the doctrine of "joint and several liability" required any one of the defendants to pay the full amount of the plaintiff's damages.⁹⁰ This was true even where the defendants did not act in concert but instead each committed a separate and independent act, and then the acts combined to cause an injury to the plaintiff. For example, if defendants A, B, and C, while driving their vehicles, each contributed to an accident that caused a plaintiff damages of \$100,000, with A being 40% at fault, B being 59% at fault, and C being 1% at fault, the plaintiff could recover the full \$100,000 from the plaintiff's choice of any of the three defendants.

Contributory Negligence

Under the common law, a plaintiff who was found to be at fault for his or her own injury was completely barred from recovering any damages from the defendant.⁹¹ This doctrine, known as "contributory negligence," prohibited any recovery by the plaintiff, even if the plaintiff had only barely contributed to his or her own injuries. The doctrine rested on a "policy of making the personal interests of each party depend upon his own care and prudence."⁹² However, over time, most United States jurisdictions began to believe the doctrine of contributory negligence was too harsh of a rule and began to change their approaches.

Joint and Several Liability, Contributory Negligence, and Comparative Negligence in Florida

In 1886, the Florida Supreme Court adopted the contributory negligence approach;⁹³ and in 1914, the Court acknowledged its acceptance of the doctrine of joint and several liability.⁹⁴ In 1973, the Florida Supreme Court changed Florida to a "pure comparative negligence" jurisdiction, deciding that the traditional contributory negligence approach was "almost universally regarded as unjust and inequitable."⁹⁵ As a result, under the pure comparative negligence approach, juries would now decide the percentage of fault contributed by each party in an accident, and then the damages would be apportioned accordingly.⁹⁶

In 1986, the Legislature passed the Tort Reform and Insurance Act ("Act"), which essentially codified *Hoffman* and further committed Florida to the comparative negligence approach.⁹⁷ Within the same Act, the Legislature also substantially limited the application of the doctrine of

⁹⁰ See *Louisville & Nashville R.R. Co. v. Allen*, 65 So. 8, 12 (Fla. 1914) ("Where . . . separate and independent acts of negligence of several combine to produce directly a single injury, each is responsible for the entire result . . .").

⁹¹ See *Hoffman v. Jones*, 280 So.2d 431 (Fla. 1973).

⁹² Kevin J. Grehan, *Comparative Negligence*, 81 COLUM. L. REV. 1688, note 3 (quoting W. Prosser, *The Law of Torts* ss. 1, 42 (4th ed. 1971)).

⁹³ *Louisville & Nashville R.R. Co. v. Yniestra*, 21 Fla. 700 (1886) (citing *Butterfield v. Forrester*, 103 Eng. Rep. 926 (K.B. 1809)).

⁹⁴ *Louisville & Nashville R.R. Co. v. Allen*, 65 So. at 12.

⁹⁵ *Hoffman v. Jones*, 280 So.2d at 436.

⁹⁶ See *id.* at 438 ("If plaintiff and defendant are both at fault, the former may recover, but the amount of his recovery may be only such proportion of the entire damages plaintiff sustained as the defendant's negligence bears to the combined negligence of both the plaintiff and the defendant").

⁹⁷ Chapter 86-160, s. 60, L.O.F. (codified at s. 768.81(2), F.S.).

joint and several liability in negligence actions.⁹⁸ Joint and several liability was repealed for the purposes of most negligence actions in 2006.⁹⁹

As a result of the Act in its current form, Florida is a “pure comparative negligence jurisdiction” without the doctrine of joint and several liability.¹⁰⁰ In other words, a jury in a typical Florida negligence action decides each party’s percentage of fault; and the court, in its final judgment, apportions damages based on the jury’s fault determination.¹⁰¹

Comparative Negligence Approaches by United States Jurisdictions

Today, three different approaches for how a court should apportion damages in a negligence action when two or more defendants contribute to an injury generally exist, as follows:¹⁰²

- *Contributory negligence approach*, followed by four states¹⁰³ and the District of Columbia. Under this traditional common law approach, if the plaintiff contributed to the accident in any way, the plaintiff recovers nothing. For example:
 - If the plaintiff is 1 percent at fault for an accident causing the plaintiff \$100,000 in damages and the defendant is 99 percent at fault in such accident, the plaintiff recovers nothing.
 - If the plaintiff is zero percent and the defendant is 100 percent at fault in such accident, the plaintiff recovers 100 percent of his or her damages—that is, \$100,000.
- *Pure comparative negligence approach*, followed by Florida and 11 other states.¹⁰⁴ Under this approach, the jury determines each party’s percentage of fault and the court apportions damages accordingly. For example:
 - If the plaintiff is 40 percent at fault for an accident causing the plaintiff \$100,000 in damages and the defendant is 60 percent at fault in such accident, the plaintiff recovers 60 percent of his or her damages—that is, \$60,000.
 - If the plaintiff is 70 percent at fault for an accident causing the plaintiff \$100,000 in damages and the defendant is 30 percent at fault in such accident, the plaintiff recovers 30 percent of his or her damages—that is, \$30,000.
- *Modified comparative negligence approach*, followed by 34 states. Under this approach, the jury determines each party’s percentage of fault, but the plaintiff recovers nothing if he or she was to blame for at least a certain percentage of the fault, with three sub-approaches:
 - In 10 states, the plaintiff recovers nothing if he or she was 50 percent or more at fault.¹⁰⁵ For example:

⁹⁸ Chapter 86-160, s. 60, L.O.F. (codified at s. 768.81(3), F.S.).

⁹⁹ Chapter 2006-6, s. 1, L.O.F. (codified at s. 768.81(3), F.S.).

¹⁰⁰ Section 768.81(3), F.S. (“In a negligence action, the court shall enter judgment against each party liable on the basis of such party’s percentage of fault and not on the basis of the doctrine of joint and several liability.”).

¹⁰¹ See Fla. Sup. Ct. Std. Jury Instr. 501.4 (Comparative Negligence, Non-Party Fault and Multiple Defendants), <https://www.floridabar.org/rules/florida-standard-jury-instructions/civil-jury-instructions/civil-instructions/#500> (last accessed February 27, 2023).

¹⁰² LawInfo, *Comparative and Contributory Negligence Laws by State*, <https://www.lawinfo.com/resources/personal-injury/comparative-and-contributory-negligence-laws-by-state.html> (last accessed February 27, 2023).

¹⁰³ Alabama, Maryland, North Carolina, and Virginia. See *id.*

¹⁰⁴ Alaska, Arizona, California, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, New York, Rhode Island, and Washington state. See *id.*

¹⁰⁵ Arkansas, Colorado, Delaware, Georgia, Idaho, Maine, Nebraska, North Dakota, Tennessee, and Utah.

- If the plaintiff is 50 percent at fault for an accident causing the plaintiff \$100,000 in damages, the plaintiff recovers nothing.
- If the plaintiff is 49 percent and the defendant is 51 percent at fault for such accident, the plaintiff recovers 51 percent of his or her damages—that is, \$51,000.
- In 23 states, the plaintiff recovers nothing if he or she was more than 50 percent at fault.¹⁰⁶ For example:
 - If the plaintiff is 51 percent and the defendant is 49 percent at fault for an accident causing the plaintiff \$100,000 in damages, the plaintiff recovers nothing.
 - If the plaintiff and the defendant are each 50 percent at fault for such accident, the plaintiff recovers 50 percent of his or her damages—that is, \$50,000.
- In one state, the plaintiff recovers only if his or her conduct was “slightly” negligent and the defendant’s conduct was “grossly negligent.”¹⁰⁷

Awarding Attorney Fees in Litigation

In most United States jurisdictions, each party to civil litigation pays its own attorney, regardless of the outcome of the litigation, and a court may only award attorney fees to the prevailing side if authorized by statute or agreement of the parties to the litigation.¹⁰⁸ This is often referred to as the “American Rule” for attorney fees, and contravenes the “English Rule” under which English courts generally awarded attorney fees to the prevailing party in litigation.¹⁰⁹

Florida has enacted a number of statutes that authorize courts to award attorney fees in civil litigation. As the Florida Supreme Court has noted, these statutory provisions generally fall into two categories.¹¹⁰ In the first category, statutes direct a court to assess attorney fees against only one side in certain types of actions. An example is found in s. 627.428, F.S., which directs the court to assess reasonable attorney fees against the insurer and in favor of the insured or a beneficiary who prevails in litigation. The second category follows the English Rule and authorizes the prevailing party, whether it is the plaintiff or the defendant, to recover its attorney fees from the opposing party.

Lodestar Approach

In 1985, the Florida Supreme Court held that courts should calculate the amount of statutorily-authorized attorney fees under the “lodestar approach.”¹¹¹ Under this approach, the first step is for the court to determine the number of hours reasonably expended by an attorney on the case. The second step requires the court to determine a reasonable hourly rate. The number of hours reasonably expended (determined in the first step), multiplied by the reasonable hourly rate (determined in the second step), produces the “lodestar amount,” which is considered an objective basis for what the attorney fee amount should be.

¹⁰⁶ Connecticut, Hawaii, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Vermont, West Virginia, Wisconsin, and Wyoming.

¹⁰⁷ South Dakota.

¹⁰⁸ *Florida Patient’s Compensation Fund v. Rowe*, 472 So.2d 1145, 1147-1148 (Fla. 1985).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Fla. Patient’s Comp. Fund v. Rowe*, 472 So.2d 1145 (Fla. 1985).

Addition of a Contingency Fee Multiplier

In certain cases, the court may greatly increase the lodestar amount by applying a contingency fee multiplier, which essentially takes the lodestar amount and multiplies that amount by a factor of 1.5, 2.0, 2.5, or some other number.¹¹² The concept of the contingency fee multiplier arose from judicial interpretations of statutory authorization of attorney fees in particular cases,¹¹³ but the Legislature has also expressly provided for use of a contingency fee multiplier in certain cases.¹¹⁴ In a 1990 case, the Florida Supreme Court discussed three different types of cases and whether a contingency fee multiplier should be applied in each case, as follows:

- *Public policy enforcement cases.* These cases may involve discrimination, environmental issues, and consumer protection issues. In these cases, a contingency fee multiplier is usually inappropriate.
- *Family law, eminent domain, estate, and trust cases.* In these cases, a contingency fee multiplier is usually inappropriate.
- *Tort and contract claims, including insurance cases.* In these cases, a contingency fee multiplier may be applied if the plaintiff can demonstrate the following factors show a need for the multiplier:
 - Whether the relevant market requires a contingency fee multiplier to obtain counsel;
 - Whether the attorney can mitigate the risk of nonpayment; and
 - Whether any other factors established in *Rowe*¹¹⁵ support the use of the multiplier.¹¹⁶

Further, in the same decision, the Court noted that the size of the contingency fee multiplier varies from 1.0 to 2.5 based on the likelihood of success at the outset of the case, as follows:

- 1.0 to 1.5, if the trial court determines that success was more likely than not at the outset;
- 1.5 to 2.0, if the trial court determines that the likelihood of success was approximately even at the outset; and
- 2.0 to 2.5, if the trial court determines that success was unlikely at the outset.¹¹⁷

¹¹² The Court may also adjust the amount based on the results obtained by the attorney. *Standard Guar. Ins. Co. v. Quanstrom*, 555 So.2d 828, 830-31 (Fla. 1990). Contingency risk multipliers are also referred to as contingency fee multipliers.

¹¹³ The rationale for applying a contingency risk multiplier to increase an attorney fee award is that plaintiffs and plaintiffs' attorneys generally do not recover any money unless they prevail. The attorney fee multiplier induces attorneys to take a risk on cases they might not otherwise take, allowing would-be plaintiffs to find attorneys willing to represent them.

¹¹⁴ See s. 790.33(3)(f)1., F.S. (explicitly authorizing a contingency fee multiplier in certain cases relating to the preemption of firearm and ammunition regulation).

¹¹⁵ The *Rowe* factors were based upon Disciplinary Rule 2-106(b) of the Florida Bar (which is now Rule of Professional Conduct 4-1.5), and were as follows:

- Time and labor required, novelty and difficulty of the question involved, and the skill and requisite to perform the legal service properly.
- Likelihood, if apparent to the client, that the acceptance of employment would preclude other employment by the lawyer.
- Fee customarily charged in the locality for similar legal services.
- Amount involved and results obtained.
- Time limitations imposed by the client and circumstances.
- Nature and length of the professional relationship with the client.
- Experience, reputation, and ability of the lawyer(s) providing services.
- Whether the fee is a fixed or contingency fee.

Rowe, 472 So.2d at 1150–1151.

¹¹⁶ *Quanstrom*, 555 So.2d at 833-835.

¹¹⁷ *Id.* at 834.

Federal Court Treatment of the Contingency Fee Multiplier

Part of the Florida Supreme Court's rationale for adopting the contingency fee multiplier framework in 1985 was that, at the time, it was being applied in federal courts.¹¹⁸ However, in 1992, the U.S. Supreme Court decided *Burlington v. Dague*, in which it rejected the use of a contingency fee multiplier under certain federal fee-shifting statutes. *Dague* essentially signaled that the Supreme Court was closing the door on the contingency fee multiplier's use in most, if not all, federal cases.¹¹⁹

In 2010, in the case of *Perdue v. Kenny A. ex. rel. Winn*, a case involving a class action lawsuit filed on behalf of 3,000 children in the Georgia foster care system, the U.S. Supreme Court again addressed the contingency risk multiplier issue.¹²⁰ The plaintiffs argued in the underlying case that the foster care system in two counties was constitutionally deficient. The case went to mediation, and the parties entered a consent decree resolving all issues. Subsequently, the plaintiffs' attorneys sought attorney fees under 42 U.S.C. s. 1988.¹²¹

The federal district court calculated the fees using the lodestar approach, arriving at a \$6 million figure, and then applied a 1.75 contingency fee multiplier, for a total attorney fee of \$10.5 million. The district court justified the contingency fee multiplier by finding that the attorneys had:

- Advanced \$1.7 million with no ongoing reimbursement.
- Worked on a contingency basis, and therefore were not guaranteed payment.
- Displayed a high degree of skill, commitment, dedication, and professionalism.
- Achieved extraordinary results.¹²²

On review, the U.S. Supreme Court reversed the district court's calculation of attorney fees, remanding the case because the district court did not provide adequate justification for the 75 percent increase. The Court reiterated that "there is a strong presumption that the lodestar figure is reasonable," but that such presumption "may be overcome in those *rare circumstances* in which the lodestar does not adequately consider a factor that may properly be considered in determining a reasonable fee."¹²³ The Court also determined that a contingency fee multiplier may be applicable in "exceptional" circumstances.¹²⁴

Thus, the *Perdue* Court determined that the application of contingency fee multipliers may sometimes be appropriate, while also issuing several warnings about contingency fee multipliers, as follows:

¹¹⁸ See *Rowe*, 472 So.2d at 1146 ("[W]e . . . adopt the federal lodestar approach for computing reasonable attorney fees").

¹¹⁹ See *City of Burlington v. Dague*, 112 S.Ct. 2638, 2642-2643 (1992) ("Thus, enhancement for the contingency risk posed by each case would encourage meritorious claims to be brought, but only at the social cost of indiscriminately encouraging nonmeritorious claims to be brought as well... [W]e hold that enhancement for contingency is not permitted under the fee-shifting statutes at issue").

¹²⁰ *Perdue v. Kenny A. ex rel. Winn*, 130 S.Ct. 1662 (2010).

¹²¹ 42 U.S.C. s. 1988(b) allows the court to award attorney fees to the prevailing party in certain civil rights actions.

¹²² *Perdue*, 130 S.Ct. at 1670.

¹²³ *Id.* at 1673 (emphasis added).

¹²⁴ *Id.*

- When a trial court fails to give detailed explanations for why it applies a contingency fee multiplier, "widely disparate awards may be made, and awards may be influenced . . . by a judge's subjective opinion regarding particular attorneys or the importance of the case."¹²⁵
- "[U]njustified enhancements that serve only to enrich attorneys are not consistent" with the aims of a statute that seek to compensate plaintiffs.¹²⁶
- In many cases, attorney fees "are not paid by the individuals responsible for the constitutional or statutory violations on which the judgment is based Instead, the fees are paid . . . by state and local taxpayers," resulting in a diversion of funds from other government programs.¹²⁷

Florida Supreme Court Treatment of the Contingency Fee Multiplier

In 2017, the Florida Supreme Court rejected the U.S. Supreme Court's *Dague* decision, instead holding that the contingency fee multiplier in Florida courts is not subject to the "rare and exceptional circumstances" requirement.¹²⁸ The Court acknowledged that, based upon its decision to maintain the applicability of the contingency fee multiplier without the restrictions implemented by the *Dague* decision, Florida "separat[ed] from federal precedent in this area."¹²⁹

Recent Florida Legislation

During Special Session D in May of 2022, the Legislature passed CS/SB 2-D, which was signed into law by the Governor. Amending s. 627.70152, F.S., the bill created a strong presumption that, in lawsuits arising under a residential or commercial property insurance policy, a lodestar fee is sufficient and reasonable; and that such presumption could only be rebutted in a rare and exceptional circumstance.¹³⁰

Attorney Fees Arising from Insurance Litigation

Section. 627.428, F.S., allows an insured to recover attorney fees if he or she prevails in a lawsuit against the insurer to enforce an insurance policy – which has been referred to as the “one-way attorney fee” in insurance litigation.¹³¹ Some version of this statute has been the law in Florida since at least 1893.¹³² The statute provides, in part:

Upon the rendition of a judgment or decree by any of the courts of this state against an insurer and in favor of any named or omnibus insured or the named beneficiary under a policy or contract executed by the insurer, the trial court or, in the event of an

¹²⁵ See *id.* at 1676.

¹²⁶ See *id.*

¹²⁷ See *id.* at 1677.

¹²⁸ See *Joyce v. Federated Nat'l Ins. Co.*, 228 So.3d 1122 (Fla. 2017) (“[W]ith all due deference to the United States Supreme Court, we do not accept the *Dague* majority's rationale for rejecting contingency fee multipliers”).

¹²⁹ *Id.* at 1130.

¹³⁰ Chapter 2022-268, s. 16, L.O.F.

¹³¹ Other states with similar “one-way” attorney fee provisions for insureds are Arkansas (Ark. Code s. 23-79-208), Delaware (18 Del. Code s. 4102), Hawaii (Hi. Rev. Stat. s. 431:10-242), Idaho (Id. Code 41-1839), Kansas (Kan. Stat. s. 40-256), Nebraska (Neb. Rev. Stat. Ann. S. 44-359), New Hampshire (N.H. Rev. Stat. s. 491-22-b), New Jersey – by court rule (N.J. Court R. 4:42-9(a)(6)), New Mexico (N.M. Stat. s. 39.2-1), North Carolina - for litigation not over \$25,000 (N.C. Gen. Stat. s. 6-21.1), and Texas (Tex. Ins. Code s. 542.060).

¹³² See *Tillis v. Liverpool & London & Globe Insurance Company*, 35 So. 171 (Fla. 1903) (rejecting an insurance company argument that the 1893 law providing that an insured may recover attorney fees in actions against an insurance company to enforce a policy violates due process and equal protection).

appeal in which the insured or beneficiary prevails, the appellate court shall adjudge or decree against the insurer and in favor of the insured or beneficiary a reasonable sum as fees or compensation for the insured's or beneficiary's attorney prosecuting the suit in which the recovery is had.¹³³

Section 626.9373, F.S., applies the same standard to suits against surplus lines insurers. In December 2022, during Special Session A, the legislature passed SB 2-A, which was signed into law by the Governor. The passage of SB 2-A eliminated one-way attorney fees for property insurance cases, and in turn, removed the provision added during the May 2022 Special Session D relating to lodestar fees in such property insurance cases.¹³⁴

Attorney Fees Arising from Offers of Judgment

Section 768.79, F.S., provides for attorney fees where a party's offer to settle a case has been rejected. The statute states, in part:

(1) In any civil action for damages filed in the courts of this state, if a defendant files an offer of judgment which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney's fees incurred by her or him ... if the judgment is one of no liability or the judgment obtained by the plaintiff is at least 25 percent less than such offer.... If a plaintiff files a demand for judgment which is not accepted by the defendant within 30 days and the plaintiff recovers a judgment in an amount at least 25 percent greater than the offer, she or he shall be entitled to recover reasonable costs and attorney's fees....

An offer must:

- Be in writing and state that it is being made pursuant to this section;
- Name the party making it and the party to whom it is being made;
- State with particularity the amount offered to settle a claim for punitive damages, if any; and
- State its total amount.¹³⁵

The court may disallow an award of costs and attorney fees to the prevailing party if it is determined the prevailing party did not make the offer in good faith.¹³⁶ When determining the reasonableness of an award of attorney fees, the court must consider the following factors along with other relevant criteria:

- The then apparent merit or lack of merit in the claim;
- The number and nature of offers made by the parties;
- The closeness of questions of fact and law at issue;
- Whether the person making the offer had unreasonably refused to furnish information necessary to evaluate the reasonableness of such offer;
- Whether the suit was in the nature of a test case presenting questions of far-reaching importance affecting nonparties; and

¹³³ Section 627.428(1), F.S. This is similar to the language in s. 626.9373, F.S., which applies to surplus lines insurers. Florida courts interpret the statutes to have the same meaning.

¹³⁴ Chapter 2022-271, s. 17, L.O.F.

¹³⁵ Section 768.79(2), F.S.

¹³⁶ Section 768.79(8)(a), F.S.

- The amount of the additional delay cost and expense that the person making the offer reasonably would be expected to incur if the litigation should be prolonged.¹³⁷

III. Effect of Proposed Changes:

Contingency Fee Multiplier

Section 1 amends s. 57.104, F.S., to create a presumption that the lodestar fee is sufficient and reasonable in a case in which attorney fees are determined by or awarded by the court. A claimant may overcome this presumption only in a rare and exceptional circumstance, and only if he or she can demonstrate that he or she could not have otherwise reasonably retained competent counsel. Essentially, the bill brings Florida contingency fee multiplier law in line with the current federal standard.

Statute of Limitations

Section 2 amends s. 95.11, F.S., to reduce the statute of limitations for general negligence actions from four years to two years. This generally means that a plaintiff who fails to file a lawsuit within two years, rather than within four years, of the occurrence of negligence will be barred from filing the suit.

Statutory and Common Law Bad Faith Actions

Section 3 amends s. 624.155, F.S., to provide that an insurer may not be found to have acted in bad faith for failure to settle a liability insurance claim, whether pursuant to the statute or common law, if the insurer tenders the lesser of the policy limits or the amount demanded by the claimant either:

- Before a complaint asserting such claim, accompanied by sufficient evidence to support the amount of the claim, is filed; or
- Within 90 days after service of such complaint upon the insurer.

Failure of the insurer to tender such payment does not constitute bad faith and is inadmissible as evidence in any action seeking to establish bad faith on the part of the insurer.

The bill makes the following provisions applicable to all bad faith claims:

- Mere negligence alone is insufficient to constitute bad faith.
- The insured, the third-party claimant, and any representative of the insured or the claimant have a duty to act in good faith in furnishing information about the claim, making demands of the insurer, setting deadlines, and attempting to settle the claim.¹³⁸
- The trier of fact may consider whether the insured, the third-party claimant, or his or her representative did not act in good faith and, if so, reasonably reduce the damages awarded against the insurer.

Further, the bill specifies that, if two or more third-party claimants make competing claims arising out of a single occurrence, which in total exceed the insured's available policy limits, the

¹³⁷ Section 768.79(8)(b), F.S.

¹³⁸ Under the bill, this duty does not create a separate cause of action.

insurer does not commit bad faith by failing to pay all or any portion of the available limits to one or more of the third-party claimants if, within 90 days after receiving notice of the competing claims, the insurer either:

- Files an interpleader action¹³⁹ under the Florida Rules of Civil Procedure;¹⁴⁰ or
- Pursuant to binding arbitration that has been agreed to by the insurer and the third-party claimants, makes the entire amount of the policy limits available for payment to the competing third-party claimants before a qualified arbitrator selected by the insurer at the insurer's expense.¹⁴¹

Transparency in Damages

Section 4 creates s. 768.0427, F.S., to establish a uniform process for the admissibility of evidence and the calculation of medical damages in personal injury or wrongful death actions. As such, the bill modifies the collateral source rule to limit the introduction of evidence for medical damages.

Definitions

The bill defines the following terms:

- “Factoring company” means a person who purchases a health care provider’s accounts receivable at a discount below the invoice value of such accounts.
- “Health care coverage” means any third-party health care or disability services financing arrangement including, but not limited to, arrangements with entities certified or authorized under federal law or under the Florida Insurance Code; state or federal health care benefit programs; workers’ compensation; and personal injury protection.
- “Health care provider” means any of the following professionals and entities, and professionals and entities similarly licensed in another jurisdiction:
 - A provider as defined in s. 408.803; and a licensed provider under chapter 394 or chapter 397, and its clinical and nonclinical staff providing inpatient or outpatient services.
 - A certified clinical laboratory.
 - A federally qualified health center as under federal law.
 - A health care practitioner.
 - A licensed health care professional.
 - A home health aide.
 - A licensed continuing care facility.

¹³⁹ An interpleader action is an action initiated by the holder of property to determine the rights of two or more claimants to the property. This avoids the problem of the property holder being sued by the claimants separately. Legal Information Institute, *Interpleader*, <https://www.law.cornell.edu/wex/interpleader#:~:text=A%20way%20for%20a%20holder,who%20actually%20owns%20the%20property> (last accessed February 27, 2023).

¹⁴⁰ If the trier of fact finds that the claims of the competing third-party claimants exceed the policy limits, the bill specifies that the third-party claimants are entitled to a prorated share of the policy limits as determined by the trier of fact. This does not alter or limit the insurer’s duty to defend the insured.

¹⁴¹ The bill specifies that the third-party claimants are entitled to a prorated share of the policy limits as determined by the arbitrator, who must consider the comparative fault, if any, of each third-party claimant, and the total likely outcome at trial based upon the total of the economic and non-economic damages submitted to the arbitrator for consideration. Further, a third-party claimant whose claim is resolved by the arbitrator must execute and deliver a general release to the insured party whose claim is resolved by the proceeding.

- A pharmacy.
- “Letter of protection” means any arrangement where a health care provider renders medical treatment in exchange for a promise of payment for the claimant’s medical expenses from any judgment or settlement of a personal injury or wrongful death action.

Limitations on Admissible Evidence

The bill limits what evidence is allowed to be presented to the factfinder to prove the amount of damages for past or future medical care.

Past Paid Medical Bills

The bill restricts evidence of services that have already been satisfied to the amount actually paid for the services, regardless of the source of such payment. As such, if an insurer paid the full medical bill for past services, the amount paid by the insurer is the only amount admissible. The initial billed amount may not be presented as evidence.

Past Unpaid Medical Bills

Whether a particular piece of evidence is admissible to prove the amount to satisfy already incurred, but yet unpaid, medical bills is dependent on the type of health care coverage the claimant has, if any, as follows:

- Claimant has insurance: If the claimant has health care coverage, evidence of the amount the coverage is obligated to pay the provider for satisfaction of the medical services rendered plus the claimant’s portion of medical expenses under the contract are admissible.
- Claimant has insurance but obtains treatment under a letter of protection: If the claimant has health care coverage but forgoes the coverage and obtains medical treatment under a letter of protection (or otherwise does not submit charges to his or her insurer), evidence of the amount the health care coverage would pay under the contract plus the claimant’s portion of medical expenses, had he or she obtained treatment pursuant to the health care coverage, is admissible.
- Claimant has no insurance: If the claimant does not have health care coverage, evidence of 120 percent of the Medicare reimbursement rate in effect at the time of the trial is admissible. If there is no applicable Medicare rate for the services in question, the admissible amount is 170 percent of the applicable state Medicaid rate.
- Claimant receives services under a letter of protection, and the bill is then transferred to a third party: If the claimant receives services pursuant to a letter of protection and the provider subsequently transfers the right to receive payment of the bill to a third party, evidence of the amount the third party agreed to pay the provider for the right to receive payment is admissible.

Future Medical Bills

Similarly, the bill provides uniform guidance for admissible evidence relating to damages for future medical treatments, based on whether the claimant has health care coverage or is eligible for health care coverage, as follows:

- Claimant has insurance or is eligible for insurance: If the claimant has health care coverage or is eligible for health care coverage, evidence of the amount for which the future charges could be satisfied by the coverage plus the petitioner's portion of medical expenses under the contract are admissible.
- Claimant has no insurance: If the claimant does not have health care coverage, evidence of 120 percent of the Medicare reimbursement rate in effect at the time of the trial for such future services is admissible. If there is no applicable Medicare rate for the future services in question, 170 percent of the applicable state Medicaid rate amount is admissible.

Disclosure of Contracts

The bill maintains protection from disclosure for individual contracts between providers and authorized commercial insurers or authorized health maintenance organizations. Therefore, such contracts are not subject to discovery or disclosure and are not admissible into evidence.

Required Disclosures When a Letter of Protection is Used

The bill provides a procedure for the use of a letter of protection. If the petitioner obtains medical care under a letter of protection, the bill requires the claimant to disclose the following for the determination of damages:

- A copy of the letter of protection.
- All billings for the rendered medical expenses, which must be itemized and coded for the year services are rendered.
- If the provider sells the accounts receivable to a third party or factoring company, the name of the third party and the dollar amount for which the third party purchased the accounts.
- Whether the claimant had health care coverage at the time of treatment, and the identity of such coverage.
- Whether the claimant was referred for treatment under a letter of protection and, if so, the identity of the person who made the referral. If the referral was made by the claimant's attorney, disclosure of the referral is permitted, and evidence of the referral is admissible in the litigation, notwithstanding the lawyer-client privilege in s. 90.502, F.S. In such instance, the financial relationship between a law firm and a medical provider, including the number of referrals, frequency, and financial benefit obtained, is relevant to the issue of any bias of a testifying medical expert.

Amount of Damages

The bill prohibits damages from including any amounts above the amount actually paid for the satisfaction for services rendered. Further, the bill prohibits an award of damages from exceeding:

- The amount actually paid by or on behalf of the claimant to the provider;
- The amount necessary to satisfy charges for medical services that are owed or not yet satisfied at the time of trial; and
- The amount necessary to provide for any reasonable and necessary future medical treatment.

Premises Liability

Section 5 creates s. 768.0701, F.S., to provide that, in a negligent security action against the owner, lessor, operator, or manager of commercial or real property brought by a person lawfully on the property who was injured by a third party's criminal act, the trier of fact must consider the fault of all persons who contributed to the injury.

Attorney Fees Arising from Offers of Judgment

Section 6 amends s. 768.79, F.S., to apply the offer of judgment statute to any civil action involving an insurance contract.

Comparative Negligence

Section 7 amends s. 768.81, F.S., to, except for causes of action for personal injury or wrongful death arising out of medical malpractice, modify Florida's damages apportionment standard from a pure comparative negligence approach to a modified comparative negligence approach. Under the bill, any party to a negligence action found to be more than 50 percent at fault for his or her own harm may not recover any damages.

One-Way Attorney Fees

Sections 8 and 9 repeal ss. 626.9373 and 627.428, F.S., thereby eliminating Florida's one-way attorney fee provisions for insurance cases.

Miscellaneous Sections of the Bill

Sections 10 – 24 amend/repeal various sections of Florida Statutes in order to conform them to changes made elsewhere by the bill.

Section 25 directs the Division of Law Revision to replace the phrase "the effective date of this act" with the date the bill becomes law.

Section 26 provides that the change made by the bill reducing the statute of limitation for general negligence cases from 4 years to 2 years applies to causes of action accruing after the effective date of the bill.

Section 27 provides that the bill shall not be construed to impair any right under an insurance contract in effect on or before the effective date of this bill; to the extent that the bill does affect a right under an insurance contract, the bill applies only to an insurance contract issued or renewed after the effective date of the bill.

Section 28 provides that, except as otherwise expressly stated in the bill, the bill applies to all causes of action filed after the effective date of the bill.

Section 29 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 57.104, 95.11, 624.155, 768.79, 768.81, 624.123, 624.488, 627.062, 627.401, 627.727, 627.736, 627.756, 628.6016, 475.01, 475.611, 517.191, 627.441, and 632.638.

This bill creates the following sections of the Florida Statutes: 768.0427 and 768.0701.

This bill repeals the following sections of the Florida Statutes: 626.9373, 627.428, 631.70, and 631.926.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance Committee on March 7, 2023:

The committee substitute makes the following changes:

- Revises the effective date provisions to provide that the:
 - Amendment made by the bill reducing the statute of limitation for general negligence cases from 4 years to 2 years applies prospectively to causes of action accruing after the effective date of the bill;
 - Remainder of the bill applies to causes of action filed after the effective date; and
 - Bill shall not be construed to impair any right under an existing insurance contract provisions regarding the delivery of a policy.

- B. **Amendments:**

None.



604216

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/08/2023	.	
	.	
	.	
	.	

The Committee on Banking and Insurance (Thompson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 203 - 386.

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

And the title is amended as follows:

Delete lines 7 - 11

and insert:

limitations for negligence actions; creating s.



938524

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/08/2023	.	
	.	
	.	
	.	

The Committee on Banking and Insurance (Thompson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 387 - 543.

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

And the title is amended as follows:

Delete lines 11 - 19

and insert:

single occurrence exceed policy limits;



601968

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/08/2023	.	
	.	
	.	
	.	

The Committee on Banking and Insurance (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 544 - 552.

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

And the title is amended as follows:

Delete lines 20 - 22

and insert:

amending s. 768.79, F.S.;



425210

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2023	.	
	.	
	.	
	.	

The Committee on Banking and Insurance (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 814 - 818
and insert:

Section 26. The amendments made by this act to s. 95.11, Florida Statutes, apply to causes of action accruing after the effective date of this act.

Section 27. This act shall not be construed to impair any right under an insurance contract in effect on or before the effective date of this act. To the extent that this act affects



425210

a right under an insurance contract, this act applies to an
insurance contract issued or renewed after the effective date of
this act.

Section 28. Except as otherwise expressly provided in this
act, this act shall apply to causes of action filed after the
effective date of this act.

Section 29. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete line 38

and insert:

providing applicability and construction; providing an
effective date.

By Senator Hutson

7-00959H-23

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1 A bill to be entitled
 2 An act relating to civil remedies; amending s. 57.104,
 3 F.S.; creating a rebuttable presumption that a
 4 lodestar fee is a sufficient and reasonable attorney
 5 fee in most civil actions; providing an exception;
 6 amending s. 95.11, F.S.; reducing the statute of
 7 limitations for negligence actions; amending s.
 8 624.155, F.S.; providing standards for bad faith
 9 actions; providing for the distribution of proceeds
 10 when two or more third-party claims arising out of a
 11 single occurrence exceed policy limits; creating s.
 12 768.0427, F.S.; providing definitions; providing
 13 standards for the admissibility of evidence to prove
 14 the cost of damages for medical expenses in certain
 15 civil actions; requiring certain disclosures with
 16 respect to claims for medical expenses for treatment
 17 rendered under letters of protection; specifying the
 18 damages that may be recovered by a claimant for the
 19 reasonable and necessary cost of medical care;
 20 creating s. 768.0701, F.S.; requiring the trier of
 21 fact to consider the fault of certain persons who
 22 contribute to an injury; amending s. 768.79, F.S.;
 23 providing for the applicability of that section;
 24 amending s. 768.81, F.S.; providing that a party in a
 25 negligence action who is at fault by a specified
 26 amount may not recover damages under a comparative
 27 negligence action; providing applicability; repealing
 28 ss. 626.9373 and 627.428, F.S., relating to attorney
 29 fees payable to insureds filing actions against

Page 1 of 29

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

7-00959H-23

2023236__

30 insurers; amending ss. 624.123, 624.488, 627.062,
 31 627.401, 627.727, 627.736, 627.756, and 628.6016,
 32 F.S.; conforming provisions to changes made by the
 33 act; repealing ss. 631.70 and 631.926, F.S., relating
 34 to awards of attorney fees; amending ss. 475.01,
 35 475.611, 517.191, 627.441, and 632.638, F.S.;
 36 conforming provisions to changes made by the act;
 37 providing a directive to the Division of Law Revision;
 38 providing applicability; providing an effective date.

40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Section 57.104, Florida Statutes, is amended to
 43 read:

44 57.104 Computation of attorney ~~attorneys'~~ fees.—
 45 (1) In any action in which attorney ~~attorneys'~~ fees are to
 46 be determined or awarded by the court, the court shall consider,
 47 among other things, time and labor of any legal assistants who
 48 contributed nonclerical, meaningful legal support to the matter
 49 involved and who are working under the supervision of an
 50 attorney. For purposes of this section "legal assistant" means a
 51 person, who under the supervision and direction of a licensed
 52 attorney engages in legal research, and case development or
 53 planning in relation to modifications or initial proceedings,
 54 services, processes, or applications; or who prepares or
 55 interprets legal documents or selects, compiles, and uses
 56 technical information from references such as digests,
 57 encyclopedias, or practice manuals and analyzes and follows
 58 procedural problems that involve independent decisions.

Page 2 of 29

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7-00959H-23

2023236__

(2) In any action in which attorney fees are determined or awarded by the court, there is a strong presumption that a lodestar fee is sufficient and reasonable. This presumption may be overcome only in a rare and exceptional circumstance with evidence that competent counsel could not otherwise be retained.

Section 2. Subsections (3), (4), and (10) of section 95.11, Florida Statutes, are amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(3) WITHIN FOUR YEARS.—

(a) ~~An action founded on negligence.~~

~~(b)~~ An action relating to the determination of paternity, with the time running from the date the child reaches the age of majority.

(b)(e) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 10 years after the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of

Page 3 of 29

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7-00959H-23

2023236__

construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest. However, counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if a local enforcement agency, state enforcement agency, or special inspector, as those terms are defined in s. 553.71, has issued a final certificate of occupancy or certificate of completion, then as to the construction which is within the scope of such building permit and certificate, the correction of defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. Completion of the contract means the later of the date of final performance of all the contracted services or the date that final payment for such services becomes due without regard to the date final payment is made.

(c)(d) An action to recover public money or property held by a public officer or employee, or former public officer or employee, and obtained during, or as a result of, his or her public office or employment.

(d)(e) An action for injury to a person founded on the

Page 4 of 29

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7-00959H-23

2023236__

design, manufacture, distribution, or sale of personal property that is not permanently incorporated in an improvement to real property, including fixtures.

~~(e)-(f)~~ An action founded on a statutory liability.

~~(f)-(g)~~ An action for trespass on real property.

~~(g)-(h)~~ An action for taking, detaining, or injuring personal property.

~~(h)-(i)~~ An action to recover specific personal property.

~~(i)-(j)~~ A legal or equitable action founded on fraud.

~~(j)-(k)~~ A legal or equitable action on a contract, obligation, or liability not founded on a written instrument, including an action for the sale and delivery of goods, wares, and merchandise, and on store accounts.

~~(k)-(l)~~ An action to rescind a contract.

~~(l)-(m)~~ An action for money paid to any governmental authority by mistake or inadvertence.

~~(m)-(n)~~ An action for a statutory penalty or forfeiture.

~~(n)-(o)~~ An action for assault, battery, false arrest, malicious prosecution, malicious interference, false imprisonment, or any other intentional tort, except as provided in subsections (4), (5), and (7).

~~(o)-(p)~~ Any action not specifically provided for in these statutes.

~~(p)-(q)~~ An action alleging a violation, other than a willful violation, of s. 448.110.

(4) WITHIN TWO YEARS.—

(a) An action founded on negligence.

~~(b)-(a)~~ An action for professional malpractice, other than medical malpractice, whether founded on contract or tort;

7-00959H-23

2023236__

provided that the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence. However, the limitation of actions herein for professional malpractice shall be limited to persons in privity with the professional.

~~(c)-(b)~~ An action for medical malpractice shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued, except that this 4-year period shall not bar an action brought on behalf of a minor on or before the child's eighth birthday. An "action for medical malpractice" is defined as a claim in tort or in contract for damages because of the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of health care. The limitation of actions within this subsection shall be limited to the health care provider and persons in privity with the provider of health care. In those actions covered by this paragraph in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the injury the period of limitations is extended forward 2 years from the time that the injury is discovered or should have been discovered with the exercise of due diligence, but in no event to exceed 7 years from the date the incident giving rise to the injury occurred, except that this 7-year period shall not bar an action brought on behalf of a minor on or before the child's

7-00959H-23

2023236__

175 eighth birthday. This paragraph shall not apply to actions for
176 which ss. 766.301-766.316 provide the exclusive remedy.

177 (d)~~(e)~~ An action to recover wages or overtime or damages or
178 penalties concerning payment of wages and overtime.

179 (e)~~(d)~~ An action for wrongful death.

180 (f)~~(e)~~ An action founded upon a violation of any provision
181 of chapter 517, with the period running from the time the facts
182 giving rise to the cause of action were discovered or should
183 have been discovered with the exercise of due diligence, but not
184 more than 5 years from the date such violation occurred.

185 (g)~~(f)~~ An action for personal injury caused by contact with
186 or exposure to phenoxy herbicides while serving either as a
187 civilian or as a member of the Armed Forces of the United States
188 during the period January 1, 1962, through May 7, 1975; the
189 period of limitations shall run from the time the cause of
190 action is discovered or should have been discovered with the
191 exercise of due diligence.

192 (h)~~(g)~~ An action for libel or slander.

193 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
194 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
195 (4) ~~(e)~~ ~~(4)~~ ~~(d)~~, an action for wrongful death seeking damages
196 authorized under s. 768.21 brought against a natural person for
197 an intentional tort resulting in death from acts described in s.
198 782.04 or s. 782.07 may be commenced at any time. This
199 subsection shall not be construed to require an arrest, the
200 filing of formal criminal charges, or a conviction for a
201 violation of s. 782.04 or s. 782.07 as a condition for filing a
202 civil action.

203 Section 3. Section 624.155, Florida Statutes, is amended to

7-00959H-23

2023236__

204 read:

205 624.155 Civil remedy.—

206 (1) Any person may bring a civil action against an insurer
207 when such person is damaged:

208 (a) By a violation of any of the following provisions by
209 the insurer:

210 1. Section 626.9541(1)(i), (o), or (x);

211 2. Section 626.9551;

212 3. Section 626.9705;

213 4. Section 626.9706;

214 5. Section 626.9707; or

215 6. Section 627.7283.

216 (b) By the commission of any of the following acts by the
217 insurer:

218 1. Not attempting in good faith to settle claims when,
219 under all the circumstances, it could and should have done so,
220 had it acted fairly and honestly toward its insured and with due
221 regard for her or his interests;

222 2. Making claims payments to insureds or beneficiaries not
223 accompanied by a statement setting forth the coverage under
224 which payments are being made; or

225 3. Except as to liability coverages, failing to promptly
226 settle claims, when the obligation to settle a claim has become
227 reasonably clear, under one portion of the insurance policy
228 coverage in order to influence settlements under other portions
229 of the insurance policy coverage.

230
231 Notwithstanding the provisions of the above to the contrary, a
232 person pursuing a remedy under this section need not prove that

7-00959H-23

2023236__

such act was committed or performed with such frequency as to indicate a general business practice.

(2) Any party may bring a civil action against an unauthorized insurer if such party is damaged by a violation of s. 624.401 by the unauthorized insurer.

(3) (a) As a condition precedent to bringing an action under this section, the department and the authorized insurer must have been given 60 days' written notice of the violation. Notice to the authorized insurer must be provided by the department to the e-mail address designated by the insurer under s. 624.422.

(b) The notice shall be on a form provided by the department and shall state with specificity the following information, and such other information as the department may require:

1. The statutory provision, including the specific language of the statute, which the authorized insurer allegedly violated.

2. The facts and circumstances giving rise to the violation.

3. The name of any individual involved in the violation.

4. Reference to specific policy language that is relevant to the violation, if any. If the person bringing the civil action is a third party claimant, she or he shall not be required to reference the specific policy language if the authorized insurer has not provided a copy of the policy to the third party claimant pursuant to written request.

5. A statement that the notice is given in order to perfect the right to pursue the civil remedy authorized by this section.

(c) No action shall lie if, within 60 days after the insurer receives notice from the department in accordance with

7-00959H-23

2023236__

this subsection, the damages are paid or the circumstances giving rise to the violation are corrected.

(d) The authorized insurer that is the recipient of a notice filed pursuant to this section shall report to the department on the disposition of the alleged violation.

(e) The applicable statute of limitations for an action under this section shall be tolled for a period of:

1. Sixty days after the insurer receives from the department the notice required by this subsection.

2. Sixty days after the date appraisal is invoked pursuant to paragraph (f).

(f) A notice required under this subsection may not be filed within 60 days after appraisal is invoked by any party in a residential property insurance claim.

(4) An action for bad faith involving a failure to settle a liability insurance claim, including any such action brought under the common law, shall not lie if the insurer tenders the lesser of the policy limits or the amount demanded by the claimant either:

(a) Before a complaint asserting such claim, accompanied by sufficient evidence to support the amount of the claim, is filed; or

(b) Within 90 days after service of such complaint upon the insurer.

Failure of an insurer to offer payment pursuant to this subsection shall not constitute bad faith and is inadmissible as evidence in any action seeking to establish bad faith on the part of the insurer.

7-00959H-23

2023236

(5) In any bad faith action, whether such action is brought under this section or is based on the common-law remedy for bad faith:

(a) Mere negligence alone is insufficient to constitute bad faith.

(b) 1. The insured, claimant, and representative of the insured or claimant have a duty to act in good faith in furnishing information regarding the claim, in making demands of the insurer, in setting deadlines, and in attempting to settle the claim. This duty does not create a separate cause of action, but may only be considered pursuant to subparagraph 2.

2. In any action for bad faith against an insurer, the trier of fact may consider whether the insured, claimant, or representative of the insured or claimant did not act in good faith pursuant to this paragraph, in which case the trier of fact may reasonably reduce the amount of damages awarded against the insurer.

(6) If two or more third-party claimants have competing claims arising out of a single occurrence, which in total may exceed the available policy limits of one or more of the insured parties who may be liable to the third-party claimants, an insurer is not liable beyond the available policy limits for failure to pay all or any portion of the available policy limits to one or more of the third-party claimants if, within 90 days after receiving notice of the competing claims in excess of the available policy limits, the insurer complies with either paragraph (a) or paragraph (b).

(a) The insurer files an interpleader action under the Florida Rules of Civil Procedure. If the claims of the competing

7-00959H-23

2023236

third-party claimants are found to be in excess of the policy limits, the third-party claimants are entitled to a prorated share of the policy limits as determined by the trier of fact. An insurer's interpleader action does not alter or amend the insurer's obligation to defend its insured.

(b) Pursuant to binding arbitration that has been agreed to by the insurer and the third-party claimants, the insurer makes the entire amount of the policy limits available for payment to the competing third-party claimants before a qualified arbitrator selected by the insurer at the expense of the insurer. The third-party claimants are entitled to a prorated share of the policy limits as determined by the arbitrator, who must consider the comparative fault, if any, of each third-party claimant, and the total likely outcome at trial based upon the total of the economic and noneconomic damages submitted to the arbitrator for consideration. A third-party claimant whose claim is resolved by the arbitrator must execute and deliver a general release to the insured party whose claim is resolved by the proceeding.

(7)-(4) Upon adverse adjudication at trial or upon appeal, the authorized insurer shall be liable for damages, together with court costs and reasonable attorney ~~attorney's~~ fees incurred by the plaintiff.

(8)-(5) ~~No~~ Punitive damages may not ~~shall~~ be awarded under this section unless the acts giving rise to the violation occur with such frequency as to indicate a general business practice and these acts are:

(a) Willful, wanton, and malicious;

(b) In reckless disregard for the rights of any insured; or

7-00959H-23

2023236__

(c) In reckless disregard for the rights of a beneficiary under a life insurance contract.

Any person who pursues a claim under this subsection shall post in advance the costs of discovery. Such costs shall be awarded to the authorized insurer if no punitive damages are awarded to the plaintiff.

~~(9)(6)~~ This section does ~~shall not be construed to~~ authorize a class action suit against an authorized insurer or a civil action against the commission, the office, or the department or any of their employees, or ~~to~~ create a cause of action when an authorized health insurer refuses to pay a claim for reimbursement on the ground that the charge for a service was unreasonably high or that the service provided was not medically necessary.

~~(10)(7)~~ In the absence of expressed language to the contrary, this section shall not be construed to authorize a civil action or create a cause of action against an authorized insurer or its employees who, in good faith, release information about an insured or an insurance policy to a law enforcement agency in furtherance of an investigation of a criminal or fraudulent act relating to a motor vehicle theft or a motor vehicle insurance claim.

~~(11)(8)~~ The civil remedy specified in this section does not preempt any other remedy or cause of action provided for pursuant to any other statute or pursuant to the common law of this state. Any person may obtain a judgment under either the common-law remedy of bad faith or this statutory remedy, but is ~~shall not be~~ entitled to a judgment under both remedies. This

7-00959H-23

2023236__

section ~~does shall not be construed to~~ create a common-law cause of action. The damages recoverable pursuant to this section shall include those damages which are a reasonably foreseeable result of a specified violation of this section by the authorized insurer and may include an award or judgment in an amount that exceeds the policy limits.

~~(12)(9)~~ A surety issuing a payment or performance bond on the construction or maintenance of a building or roadway project is not an insurer for purposes of subsection (1).

Section 4. Section 768.0427, Florida Statutes, is created to read:

768.0427 Admissibility of evidence to prove medical expenses in personal injury or wrongful death actions; disclosure of letters of protection; recovery of past and future medical expenses damages.-

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

(a) "Factoring company" means a person who purchases a health care provider's accounts receivable at a discount below the invoice value of such accounts.

(b) "Health care coverage" means any third-party health care or disability services financing arrangement, including, but not limited to, arrangements with entities certified or authorized under federal law or under the Florida Insurance Code; state or federal health care benefit programs; workers' compensation; and personal injury protection.

(c) "Health care provider" means any of the following professionals and entities, and professionals and entities similarly licensed in another jurisdiction:

1. A provider as defined in s. 408.803.

7-00959H-23

2023236

2. A clinical laboratory providing services in this state or services to health care providers in this state, if the clinical laboratory is certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder.

3. A federally qualified health center as defined in 42 U.S.C. s. 1396d(1)(2)(B), as that definition existed on the effective date of this act.

4. A health care practitioner as defined in s. 456.001.

5. A health care professional licensed under part IV of chapter 468.

6. A home health aide as defined in s. 400.462.

7. A provider licensed under chapter 394 or chapter 397 and its clinical and nonclinical staff providing inpatient or outpatient services.

8. A continuing care facility licensed under chapter 651.

9. A pharmacy permitted under chapter 465.

(d) "Letter of Protection" means any arrangement by which a health care provider renders treatment in exchange for a promise of payment for the claimant's medical expenses from any judgment or settlement of a personal injury or wrongful death action. The term includes any such arrangement, regardless of whether referred to as a letter of protection.

(2) ADMISSIBLE EVIDENCE OF MEDICAL TREATMENT OR SERVICE EXPENSES.—Evidence offered to prove the amount of damages for past or future medical treatment or services in a personal injury or wrongful death action is admissible only as provided in this subsection.

(a) Evidence offered to prove the amount of damages for

7-00959H-23

2023236

past medical treatment or services that have been satisfied is limited to evidence of the amount actually paid, regardless of the source of payment.

(b) Evidence offered to prove the amount necessary to satisfy unpaid charges for incurred medical treatment or services is limited to evidence as provided in this paragraph.

1. If the claimant has health care coverage, evidence of the amount which such health care coverage is obligated to pay the health care provider to satisfy the charges for the claimant's incurred medical treatment or services, plus the claimant's share of medical expenses under the insurance contract or regulation.

2. If the claimant has health care coverage but obtains treatment under a letter of protection or otherwise does not submit charges for any health care provider's medical treatment or services to health care coverage, evidence of the amount the claimant's health care coverage would pay the health care provider to satisfy the past unpaid medical charges under the insurance contract or regulation, plus the claimant's share of medical expenses under the insurance contract or regulation, had the claimant obtained medical services or treatment pursuant to the health care coverage.

3. If the claimant does not have health care coverage, evidence of 120 percent of the Medicare reimbursement rate in effect at the time of trial for the claimant's incurred medical treatment or services, or, if there is no applicable Medicare rate for a service, 170 percent of the applicable state Medicaid rate.

4. If the claimant obtains medical treatment or services

7-00959H-23

2023236__

under a letter of protection and the health care provider subsequently transfers the right to receive payment under the letter of protection to a third party, evidence of the amount the third party paid or agreed to pay the health care provider in exchange for the right to receive payment pursuant to the letter of protection.

5. Any evidence disclosed under subsection (3) related to a letter of protection.

(c) Evidence offered to prove the amount of damages for any future medical treatment or services the claimant will receive is limited to evidence as provided in this paragraph.

1. If the claimant has health care coverage or is eligible for any health care coverage, evidence of the amount for which the future charges of health care providers could be satisfied if submitted to such health care coverage, plus the claimant's share of medical expenses under the insurance contract or regulation.

2. If the claimant does not have health care coverage, evidence of 120 percent of the Medicare reimbursement rate in effect at the time of trial for the medical treatment or services the claimant will receive, or, if there is no applicable Medicare rate for a service, 170 percent of the applicable state Medicaid rate.

(d) This subsection does not impose an affirmative duty upon any party to seek a reduction in billed charges to which the party is not contractually entitled.

(e) Individual contracts between providers and authorized commercial insurers or authorized health maintenance organizations are not subject to discovery or disclosure and are

7-00959H-23

2023236__

not admissible into evidence.

(3) LETTERS OF PROTECTION; REQUIRED DISCLOSURES.—In a personal injury or wrongful death action, as a condition precedent to asserting any claim for medical expenses for treatment rendered under a letter of protection, the claimant must disclose:

(a) A copy of the letter of protection.

(b) All billings for the claimant's medical expenses, which must be itemized and, to the extent applicable, coded according to the American Medical Association's Current Procedural Terminology (CPT), or the Healthcare Common Procedure Coding System (HCPCS), in effect for the year in which services are rendered.

(c) If the health care provider sells the accounts receivable for the claimant's medical expenses to a factoring company or other third party:

1. The name of the factoring company or other third party who purchased such accounts.

2. The dollar amount for which the factoring company or other third party purchased such accounts, including any discount provided below the invoice amount.

(d) Whether the claimant, at the time medical treatment was rendered, had health care coverage and, if so, the identity of such coverage.

(e) Whether the claimant was referred for treatment under a letter of protection and, if so, the identity of the person who made the referral. If the referral is made by the claimant's attorney, disclosure of the referral is permitted, and evidence of such referral is admissible notwithstanding any provision

7-00959H-23

2023236__

within s. 90.502. Moreover, in such situation, the financial relationship between a law firm and a medical provider, including the number of referrals, frequency, and financial benefit obtained, is relevant to the issue of the bias of a testifying medical provider.

(4) DAMAGES RECOVERABLE FOR MEDICAL TREATMENT OR SERVICE EXPENSES.—The damages that may be recovered by a claimant in a personal injury or wrongful death action for the reasonable and necessary cost or value of medical care rendered may not include any amount in excess of the evidence of medical treatment and services expenses admitted pursuant to subsection (2), and also may not exceed the sum of the following:

(a) Amounts actually paid by or on behalf of the claimant to a health care provider who rendered medical treatment or services;

(b) Amounts necessary to satisfy charges for medical treatment or services that are due and owing but at the time of trial are not yet satisfied; and

(c) Amounts necessary to provide for any reasonable and necessary medical treatment or services the claimant will receive in the future.

Section 5. Section 768.0701, Florida Statutes, is created to read:

768.0701 Premises liability for criminal acts of third parties.—Notwithstanding s. 768.81(4), in an action for damages against the owner, lessor, operator, or manager of commercial or real property brought by a person lawfully on the property who was injured by the criminal act of a third party, the trier of fact must consider the fault of all persons who contributed to

7-00959H-23

2023236__

the injury.

Section 6. Subsection (1) of section 768.79, Florida Statutes, is amended to read:

768.79 Offer of judgment and demand for judgment.—

(1) In any civil action for damages and in any civil action involving an insurance contract filed in the courts of this state, if a defendant files an offer of judgment which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney's fees incurred by her or him or on the defendant's behalf pursuant to a policy of liability insurance or other contract from the date of filing of the offer if the judgment is one of no liability or the judgment obtained by the plaintiff is at least 25 percent less than such offer, and the court shall set off such costs and attorney's fees against the award. Where such costs and attorney's fees total more than the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and fees, less the amount of the plaintiff's award. If a plaintiff files a demand for judgment which is not accepted by the defendant within 30 days and the plaintiff recovers a judgment in an amount at least 25 percent greater than the offer, she or he shall be entitled to recover reasonable costs and attorney's fees incurred from the date of the filing of the demand. If rejected, neither an offer nor demand is admissible in subsequent litigation, except for pursuing the penalties of this section.

Section 7. Subsection (2) of section 768.81, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

7-00959H-23

2023236__

581 768.81 Comparative fault.—

582 (2) EFFECT OF CONTRIBUTORY FAULT.—In a negligence action,
583 contributory fault chargeable to the claimant diminishes
584 proportionately the amount awarded as economic and noneconomic
585 damages for an injury attributable to the claimant's
586 contributory fault, but does not bar recovery, subject to
587 subsection (6).

588 (6) GREATER PERCENTAGE OF FAULT.—In a negligence action to
589 which this section applies, any party found to be greater than
590 50 percent at fault for his or her own harm may not recover any
591 damages. This subsection does not apply to an action for damages
592 for personal injury or wrongful death arising out of medical
593 negligence pursuant to chapter 766.

594 Section 8. Section 626.9373, Florida Statutes, is repealed.

595 Section 9. Section 627.428, Florida Statutes, is repealed.

596 Section 10. Subsection (4) of section 624.123, Florida
597 Statutes, is amended to read:

598 624.123 Certain international health insurance policies;
599 exemption from code.—

600 (4) Any international health insurance policy or
601 application solicited, provided, entered into, issued, or
602 delivered pursuant to this subsection is exempt from all
603 provisions of the insurance code, except that such policy,
604 contract, or agreement is subject to the provisions of ss.
605 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521,
606 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591,
607 626.9601, 627.413, 627.4145, ~~627.428~~, and 627.6043.

608 Section 11. Subsection (4) of section 624.488, Florida
609 Statutes, is amended to read:

7-00959H-23

2023236__

610 624.488 Applicability of related laws.—In addition to other
611 provisions of the code cited in ss. 624.460-624.488:

612 (4) Sections 627.291, 627.413, 627.4132, 627.416, 627.418,
613 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, ~~627.428~~,
614 627.702, and 627.706; part XI of chapter 627; ss. 627.912,
615 627.913, and 627.918;

616
617 apply to self-insurance funds. Only those sections of the code
618 that are expressly and specifically cited in ss. 624.460-624.489
619 apply to self-insurance funds.

620 Section 12. Paragraph (b) of subsection (3) of section
621 627.062, Florida Statutes, is amended to read:

622 627.062 Rate standards.—

623 (3)

624 (b) Individual risk rates and modifications to existing
625 approved forms are not subject to this part or part II, except
626 for paragraph (a) and ss. 627.402, 627.403, 627.4035, 627.404,
627 627.405, 627.406, 627.407, 627.4085, 627.409, 627.4132,
628 627.4133, 627.415, 627.416, 627.417, 627.419, 627.425, 627.426,
629 627.4265, and 627.427, ~~and 627.428~~, but are subject to all other
630 applicable provisions of this code and rules adopted thereunder.

631 Section 13. Section 627.401, Florida Statutes, is amended
632 to read:

633 627.401 Scope of this part.—No provision of this part of
634 this chapter applies to:

635 (1) Reinsurance.

636 (2) Policies or contracts not issued for delivery in this
637 state nor delivered in this state, except as otherwise provided
638 in this code.

7-00959H-23

2023236__

(3) Wet marine and transportation insurance, except ss. 627.409 ~~and~~, 627.420, ~~and~~ 627.428.

(4) Title insurance, except ss. 627.406, 627.415, 627.416, 627.419, ~~and~~ 627.427, ~~and~~ 627.428.

(5) Credit life or credit disability insurance, except s. 627.419(5) ~~ss. 627.419(5) and 627.428~~.

Section 14. Subsection (8) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

~~(8) The provisions of s. 627.428 do not apply to any action brought pursuant to this section against the uninsured motorist insurer unless there is a dispute over whether the policy provides coverage for an uninsured motorist proven to be liable for the accident.~~

Section 15. Subsection (8) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—
With respect to any dispute under the provisions of ss. 627.730-627.7405 between the insured and the insurer, or between an assignee of an insured's rights and the insurer, the provisions of s. 768.79 ~~ss. 627.428 and 768.79~~ apply, except as provided in subsections (10) and (15), and except that any attorney fees recovered must:

(a) Comply with prevailing professional standards;

(b) Not overstate or inflate the number of hours reasonably necessary for a case of comparable skill or complexity; and

7-00959H-23

2023236__

(c) Represent legal services that are reasonable and necessary to achieve the result obtained.

Upon request by either party, a judge must make written findings, substantiated by evidence presented at trial or any hearings associated therewith, that any award of attorney fees complies with this subsection. ~~Notwithstanding s. 627.428,~~ Attorney fees recovered under ss. 627.730-627.7405 must be calculated without regard to a contingency risk multiplier.

Section 16. Section 627.756, Florida Statutes, is amended to read:

627.756 Bonds for construction contracts; ~~attorney fees in case of suit.~~

~~(1) Section 627.428 applies to suits brought by owners, contractors, subcontractors, laborers, and materialmen against a surety insurer under payment or performance bonds written by the insurer under the laws of this state to indemnify against pecuniary loss by breach of a building or construction contract. Owners, contractors, subcontractors, laborers, and materialmen shall be deemed to be insureds or beneficiaries for the purposes of this section.~~

~~(2)~~ A surety who issues a bid, performance, or payment bond in connection with construction activities where hazardous substances exist or are discovered is liable under ss. 376.308 and 403.727 only to the extent provided in this section ~~subsection~~. In case of a default, the surety is liable only for the cost of completion of the contract work in accordance with the plans and specifications, less the balance of funds remaining to be paid under the contract, up to the penal sum of

7-00959H-23

2023236__

the bond. The surety is not liable on a bond to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage, whether or not caused by a breach of the bonded contract. Further, a right of action does not accrue on a bond to or for the use of any person other than the obligee named in the bond.

Section 17. Subsection (4) of section 628.6016, Florida Statutes, is amended to read:

628.6016 Applicability of related laws.—In addition to other provisions of the code cited in ss. 628.6011-628.6018:

(4) Sections 627.291, 627.413, 627.4132, 627.416, 627.418, 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, ~~627.428~~, 627.702, and 627.706; part XI of chapter 627; ss. 627.912, 627.913, and 627.918; and

apply to assessable mutual insurers; however, ss. 628.255, 628.411, and 628.421 do not apply. No section of the code not expressly and specifically cited in ss. 628.6011-628.6018 applies to assessable mutual insurers. The term "assessable mutual insurer" shall be substituted for the term "commercial self-insurer" as appropriate.

Section 18. Section 631.70, Florida Statutes, is repealed.

Section 19. Section 631.926, Florida Statutes, is repealed.

Section 20. Paragraphs (a) and (j) of subsection (1) of section 475.01, Florida Statutes, are amended to read:

475.01 Definitions.—

(1) As used in this part:

(a) "Broker" means a person who, for another, and for a compensation or valuable consideration directly or indirectly

7-00959H-23

2023236__

paid or promised, expressly or impliedly, or with an intent to collect or receive a compensation or valuable consideration therefor, appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases, or who advertises or holds out to the public by any oral or printed solicitation or representation that she or he is engaged in the business of appraising, auctioning, buying, selling, exchanging, leasing, or renting business enterprises or business opportunities or real property of others or interests therein, including mineral rights, or who takes any part in the procuring of sellers, purchasers, lessors, or lessees of business enterprises or business opportunities or the real property of another, or leases, or interest therein, including mineral rights, or who directs or assists in the procuring of prospects or in the negotiation or closing of any transaction which does, or is calculated to, result in a sale, exchange, or leasing thereof, and who receives, expects, or is promised any compensation or valuable consideration, directly or indirectly therefor; and all persons who advertise rental property information or lists. A broker renders a professional service and is a professional within the meaning of s. 95.11(4)(b) ~~or~~ 95.11(4)(a). Where the term "appraise" or "appraising" appears in the definition of the term "broker," it specifically excludes those appraisal services which must be performed only by a state-licensed or state-certified appraiser, and those appraisal services which may be performed by a registered trainee

7-00959H-23

2023236__

appraiser as defined in part II. The term "broker" also includes any person who is a general partner, officer, or director of a partnership or corporation which acts as a broker. The term "broker" also includes any person or entity who undertakes to list or sell one or more timeshare periods per year in one or more timeshare plans on behalf of any number of persons, except as provided in ss. 475.011 and 721.20.

(j) "Sales associate" means a person who performs any act specified in the definition of "broker," but who performs such act under the direction, control, or management of another person. A sales associate renders a professional service and is a professional within the meaning of s. 95.11(4)(b) ~~s. 95.11(4)(a)~~.

Section 21. Paragraph (h) of subsection (1) of section 475.611, Florida Statutes, is amended to read:

475.611 Definitions.—

(1) As used in this part, the term:

(h) "Appraiser" means any person who is a registered trainee real estate appraiser, a licensed real estate appraiser, or a certified real estate appraiser. An appraiser renders a professional service and is a professional within the meaning of s. 95.11(4)(b) ~~s. 95.11(4)(a)~~.

Section 22. Subsection (7) of section 517.191, Florida Statutes, is amended to read:

517.191 Injunction to restrain violations; civil penalties; enforcement by Attorney General.—

(7) Notwithstanding s. 95.11(4)(f) ~~s. 95.11(4)(e)~~, an enforcement action brought under this section based on a violation of any provision of this chapter or any rule or order

7-00959H-23

2023236__

issued under this chapter shall be brought within 6 years after the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, but not more than 8 years after the date such violation occurred.

Section 23. Subsection (2) of section 627.441, Florida Statutes, is amended to read:

627.441 Commercial general liability policies; coverage to contractors for completed operations.—

(2) A liability insurer must offer coverage at an appropriate additional premium for liability arising out of current or completed operations under an owner-controlled insurance program for any period beyond the period for which the program provides liability coverage, as specified in s. 255.0517(2)(b). The period of such coverage must be sufficient to protect against liability arising out of an action brought within the time limits provided in s. 95.11(3)(b) ~~s. 95.11(3)(e)~~.

Section 24. Subsection (11) of section 632.638, Florida Statutes, is amended to read:

632.638 Applicability of other code provisions.—In addition to other provisions contained or referred to in this chapter, the following chapters and provisions of this code apply to fraternal benefit societies, to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications thereof:

~~(11) Section 627.428;~~

Section 25. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it

7-00959H-23

2023236__

813 occurs in this act with the date this act becomes a law.

814 Section 26. Section 2 of this act shall take effect upon
815 becoming a law and shall apply to causes of action accruing on
816 or after the effective date of this act. The remaining sections
817 of this act shall take effect upon becoming a law and shall
818 apply to causes of action filed on or after that date.

3/7/23

Meeting Date

Banking and Insurance

Committee

Name

Richie Kidwell

Address

941 W. Morse Blvd., Suite 100

Street

Winter Park

City

FL

State

32789

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

425210

Amendment Barcode (if applicable)

Phone

321 219-9060

Email

info@flaflorida.org RA Florida.org

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☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

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I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

This form is part of the public record for this meeting.

3/7/2023

The Florida Senate

DUPLICATE

APPEARANCE RECORD

SB 236

Meeting Date

Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

601968

Committee

Amendment Barcode (if applicable)

Name Todd Michaels

Phone 305-775-0339

Address 330 Alhambra Circle

Email

Street

Coral Gables

FL

33134

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-7-23

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Sen. Banking & Insurance

Committee

601968

Amendment Barcode (if applicable)

Name Alex Arteaga - Gomez

Phone 305-322-8790

Address 2525 Ponce de Leon Blvd

Email aag@grossmanroth.com

Street

Coral Gables

FL

33134

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

601968

Amendment Barcode (if applicable)

3/7/23

Meeting Date

Banking & Insurance

Committee

Name

Philip Gold

Phone

305 567 2525

Address

9155 S. Dadeland Blvd. Suite 1216

Email

pgold@goldlawpa.com

Street

miami

City

FL

State

33156

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 7, 2023

The Florida Senate
APPEARANCE RECORD

236

Meeting Date
Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic
601968

Committee
Scott Zimmerman

Amendment Barcode (if applicable)
407.447.1780

Name _____ Phone _____

Address **501 N. Magnolia Ave.** Email **szimmerman@sgpmanager.com**

Street

orlando

FL

32801

City

State

Zip

Reset Form

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB236

Bill Number or Topic

601968

Amendment Barcode (if applicable)

3/7/23

Meeting Date

B&E

Committee

Name

Michael D'Angelo

RETIRED
POLICE
CAPTAIN

Phone

786-444-1109

Address

21451 SW 97 CT

Street

Email

MICHAEL@SEUNG DING TON
NDT

CUTLER Bay, FL

City

State

Zip

33140

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

07 MARCH 2023

APPEARANCE RECORD

SB 236

Meeting Date

R&T

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

601968

Amendment Barcode (if applicable)

Name

JOHN VILLINES

Phone

706 340 6608

Address

431 ANG'S FORD TRAIL

Email

jcv@jcvinc.com

Street

CLEVELAND GA 30528

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03.07.23

Meeting Date

Banking and Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

601968

Amendment Barcode (if applicable)

Name **Joe Kissane**

Phone **(904) 672-4031**

Address **4686 Sunbeam Road**

Email **joseph.kissane@csklegal.com**

Street

Jacksonville

FL

32257

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 7, 2023

The Florida Senate
APPEARANCE RECORD

236

Meeting Date
Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic
601968

Committee
Ashley Kalifeh
Name

Amendment Barcode (if applicable)
850.222.9075
Phone

Address
124 W. Jefferson

Email
ashley@cccfla.com

Street

Tallahassee

FL

32303

City

State

Zip

Reset Form

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Coalition of Attainable Housing
Providers**

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23
Meeting Date

Banking and Insurance
Committee

236
Bill Number or Topic

601968
Amendment Barcode (if applicable)

Name ~~Banking and Insurance~~ Samantha Padgett Phone 850-224-2250

Address 230 S. Adams St. Email spadgett@fla.org
Street

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Restaurant & Lodging Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/legistics/2022/joint-rules)

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S-001 (08/10/2021)

03/07/23

Meeting Date

Banking & Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

601968

Amendment Barcode (if applicable)

Name **Kelly Mallette**

Phone **(850) 224-3427**

Address **104 West Jefferson Street**

Email **kelly@rlbookpa.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Apartment Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

601968

Amendment Barcode (if applicable)

904 545
2157

Meeting Date

3/7/23

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FIRI

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/7/2023

Meeting Date

BANKING AND INSURANCE

Committee

Name

Jessica Hunter

Phone

850-694-1216

Address

227 South Adams St.

Email

jessica@frf.org

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Florida Retail Federation

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 7, 2023

Meeting Date
Banking & Insurance

Committee
Ashley Kalifeh

Name

Address **124 W. Jefferson**

Street

Tallahassee

City

FL

State

32303

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic
601968

Amendment Barcode (if applicable)

850.222.9075

Phone

ashley@cccfla.com

Email

Reset Form

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

**Coalition of Attainable Housing
Providers**

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 7, 2023

The Florida Senate
APPEARANCE RECORD

236

Meeting Date
Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic
601968

Committee
Scott Zimmerman

Name _____

Amendment Barcode (if applicable)
407.447.1780

Phone _____

Address **501 N. Magnolia Ave.**

Email **szimmerman@sgpmanager.com**

Street

orlando

FL

32801

City

State

Zip

Reset Form

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/7/2023

Meeting Date

Banking & Insurance

Committee

Name Fred Cunningham

Phone 561-625-6260

Address 2401 PGA Blvd. Suite 140

Email fred@pbglaw.com

Street

Palm Beach Gardens

FL

33410

City

State

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

604216

Amendment Barcode (if applicable)

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03.07.23

Meeting Date

Banking and Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

604216

Amendment Barcode (if applicable)

Name Joe Kissane

Phone (904) 672-4031

Address 4686 Sunbeam Road

Email joseph.kissane@csklegal.com

Street

Jacksonville

FL

32257

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Justice Reform Institute

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

DUPLICATE

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

7/23

Meeting Date

236

Bill Number or Topic

23I

Committee

938524

Amendment Barcode (if applicable)

Name

Dr Behnam Myers

Phone

(954) 983-3888

Address

3850 Shoreline St

Email

drbmyers@gmail.com

Street

Hollywood FL

33301

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

37//2023

Meeting Date

Banking and Insurance

Committee

236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name **Jessica Schmor**

Phone **407-217-5831**

Address **6526 Old Brick Rd, Suite 120-257**

Email **jessica.schmor@allegiantexperts.com**

Street

Windermere

FL

34786

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Associated Industries of Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

~~93~~ 938524

Amendment Barcode (if applicable)

3-7-23

Meeting Date

Banking & Insurance

Committee

Name TAKAS KOCHNO M.D.

Phone 941-713-3292

Address 3825 26th St. W

Street

Email drkochno@gmail.com

Bradenton FL

City

State

34201

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

03.07.23

Meeting Date

APPEARANCE RECORD

236

Bill Number or Topic

Banking and InsuranceDeliver both copies of this form to
Senate professional staff conducting the meeting

938524

Committee

Amendment Barcode (if applicable)

Name **Frank Pierce** Phone **407-540-9170**Address **201 South Orange Avenue Ste 400** Email **FPierce@insurancedefense.n**
*Street***Orlando** **FL** **32801**
City *State* *Zip*Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

3-7-23

Meeting Date

Banking & Insurance

Committee

Name

Alex Gillen

Phone

(321) 217-0871

Address

201 S. Orange Ave., Suite 1500

Email

gillen@newsome.law.com

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/23

Meeting Date

SB 236

Bill Number (if applicable)

938524

Amendment Barcode (if applicable)

Topic Medical Damages

Name Sen Kessler, Kyle

Job Title Owner Chiropractor

Address 17551 N Dale Mabry Hwy

Street

Lutz

City

FL

State

33548

Zip

Phone 813.618.5589

Email FnCo@brightstarchiro.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing My Patients

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23

Meeting Date

Bt I

Committee

236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name

Dr Behnam Myers

Phone

(954) 983-3888

Address

3850 Sheridan St

Email

drbmyers@gmail.com

Street

Hollywood FL 33021

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

As it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so
many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-7-23

Meeting Date

Banking : Insurance

Committee

SB 236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name

Christopher D. Russo

Phone

863 738 4511

Address

4097 Juliana Lake Dr

Email

chris.russo@gmail.com

Street

Auburndale

FL

33823

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

236
Bill Number (if applicable)

Topic Medical Damages

938524
Amendment Barcode (if applicable)

Name Dan Spurrier

Job Title Neurosurgeon

Address 3529 Cattlemen Rd Unit 4201

Phone 352 267 1165

Street

Sarasota

City

FL

State

34232

Zip

Email danspurrier01@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Patients

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

3/7/23

Meeting Date

Banking & Insurance

Committee

Name

Tiffany Faddis

Phone

407-845-1756

Address

7335 W. Sand Lake Rd.

Email

tiffany.faddis@newlinlaw.com

Street

Orlando, FL 32819

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

Tuesday, March 7, 2023

Meeting Date

Banking and Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name **Kimberly Driggers**

Phone **850-597-1355**

Address **1009 SE 9th Street**

Email **kdriggers@driggers-law.com**

Street

Fort Lauderdale,

FL

33316

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chiropractic Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-7-23

Meeting Date

B+I

Committee

SB 236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name

Gary Miracle

Phone

321-544-3404

Address

3752 BRANTLY CIR

Email

gary@garymiracle.com

Street

Doakledge

City

FL

State

32955

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-7-23

Meeting Date

BANKING & Insurance
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

938525

Amendment Barcode (if applicable)

Name

Joseph TESSITORE

Phone

386-846-3459

Address

2707 E. Jefferson St.

Street

Email

JTessitore@RoperPA.com

Orlando, FL

City

State

328103

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Chamber of Commerce

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Meeting Date

3-7-23

Banking : Insurance

Committee

Name

Jim Gordan

Phone

(407) 862-1825

Address

2191 Wembley Place

Street

Oviedo

City

FL

State

32765

Zip

Email

jim@beersandgordanlaw.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

SB236

Bill Number (if applicable)

938524

Amendment Barcode (if applicable)

Topic Medical Damages

Name Eugenya Patkina

Job Title Director of BD.

Address 5475 Sheridan St

Phone 7

Street

Hollywood

City

FL

State

33024

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-7-2023

Meeting Date

SB 236

Bill Number (if applicable)

938524

Amendment Barcode (if applicable)

Topic MEDICAL DAMAGES

Name ANGEL JOSE RIGUERAS

Job Title Physician - Interventional Physiatrist

Address 585 SE 9th Ave

Street

Hialeah

City

FL

State

33010

Zip

Phone 305-401-0161

Email angel.rigueras@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing University Orthopedic Care

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-7-23

Meeting Date

Banking & Insurance
Committee

SB 236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name

Pete Hunt

Phone

561-225-3611

Address

250 S. Australian Ave., Suite 1800

Email

phunt@rubensteinlaw.com

Street

WPB

City

FL

State

33401

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

50 236

~~HB 837~~

Bill Number (if applicable)

938524

Amendment Barcode (if applicable)

Meeting Date

Topic MEDICAL DAMAGES

Name RICHARD DRUCKER M.D.

Job Title PHYSICIAN NEUROLOGIST

Address 3748 NW 87th AVENUE

Street

COOPER CITY FL

City

State

Zip

Phone 305-491-4501

Email RDRUCKER@GMAIL.COM

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

MY PATIENTS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23

Meeting Date

SB 236

Bill Number or Topic

Insurance & Banking

Committee

938524

Amendment Barcode (if applicable)

Name Chris Ligori

Phone 813 785 8264

Address 117 S. Willow Ave

Street

Email CLigori@LigoriLaw.com

Tampa

City

Fla

State

33606

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

37//2023

Meeting Date

Banking and Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name **Jessica Schmor**

Phone **407-217-5831**

Address **6526 Old Brick Rd, Suite 120-257**

Email **jessica.schmor@allegiantexperts.com**

Street

Windermere

FL

34786

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Associated Industries of Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03.07.23

Meeting Date

Banking and Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name **Lee Miskus**

Phone **303-6562199**

Address **3900 E. Mexico Avenue, Ste 1300**

Email **lmickus@efstrialaw.com**

Street

Denver

City

CO

State

80210

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

American Tort Reform Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

03.07.23

APPEARANCE RECORD

236

Meeting Date

Banking and Insurance

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Name **Frank Pierce**

Phone **407-540-9170**

Address **201 South Orange Avenue Ste 400**

Email **FPierce@insurancedefense.n**

Street

Orlando

FL

32801

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

3/7/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

50236

Bill Number or Topic

938529

Amendment Barcode (if applicable)

Committee

Name

DR RICHARD ORLUCK M.D

Phone

252-491-4581

Address

Street

3748 NW 8TH AVE
CORAL CITY FL 33424

Email

RORLUCK@GMAIL.COM

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3-7-23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

SB 236

Amendment Barcode (if applicable)

938524

Committee

Name

Eugenio Rathke

Phone

Address

3478 Sheridan St

Email

Street

Hollywood

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

DUPLICATE

3/7/2023

APPEARANCE RECORD

SB 236

Meeting Date

Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

938524

Committee

Amendment Barcode (if applicable)

Name **Karl Labertew**

Phone **850-602-7400**

Address **7169 Early Gold St.**

Email **klabertew@rubensteinlaw.com**

Street

Winter Garden

FL

34787

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

03.07.23

Meeting Date

Banking and Insurance

Committee

Name Lee Miskus

Address 3900 E. Mexico Avenue, Ste 1300

Street

Denver

City

CO

State

80210

Zip

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

DUPLICATE

236

Bill Number or Topic

938524

Amendment Barcode (if applicable)

Phone 303-6562199

Email lmickus@efstrialaw.com

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

American Tort Reform Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3-7-23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Banking + Insurance
Committee.

Amendment Barcode (if applicable)

Name Dionne NealPhone 917-963-3528Address 5125 Palm Springs Blvd. #6206

Email

Street

Tampa, FL.33647

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information**OR**Waive Speaking: ☐ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☒ I am appearing without compensation or sponsorship.☐ I am a registered lobbyist, representing:☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

**is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so any persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

part of the public record for this meeting.

S-001 (08/10/2021)

03.07.23

Meeting Date

Banking and Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Name Steve StevensPhone (386)-734-6447Address 816 S Woodland BlvdEmail sstevens@boulevardtire.com

Street

DeLandFL32720

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information**OR**Waive Speaking: ☐ In Support ☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☒ I am appearing without compensation or sponsorship.☐ I am a registered lobbyist, representing:☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3.7.2028

Meeting Date

236

Bill Number or Topic

Banking + Insurance
CommitteeDeliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name James Wright

Phone 305.894.0941

Address 1270 NW 165th Street

Email james@wright.northern.com

Miami Gardens FL

33169

Speaking: ☐ For ☒ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so
any persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

03.07.23

Meeting Date

236

Bill Number or Topic

Banking and Insurance

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Mark Beasley

Phone 618-709-6324

Address 5800 Winn Way

Email

Street

The Villages

FL

32163

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so
that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23
Meeting Date
B+I
Committee

236
Bill Number or Topic
Amendment Barcode (if applicable)

Name Gary Miracle Sr. Phone 321-431-3415
Address 891 Yorktowne Drive Email lgmiracle@yahoo.com
Rockledge FL 32955
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

- ☒ I am appearing without compensation or sponsorship. ☐ I am a registered lobbyist, representing: ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

It is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23
Meeting Date
B+I
Committee

236
Bill Number or Topic
Amendment Barcode (if applicable)

Name Romania Dulles Phone 850-901-1553
Address 258315 Dixie Hwy Email MFRJ411@gmail.com
Homestead FL 33032
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

- ☒ I am appearing without compensation or sponsorship. ☐ I am a registered lobbyist, representing: ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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03.07.23

Meeting Date

Banking and Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Amendment Barcode (if applicable)

Name John Pittman

Phone 407-929-0138

Address 1998 Cerny Court

Email

Street

The Villages

FL

32163

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/23

Meeting Date

Banking and Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB236

Bill Number or Topic

Amendment Barcode (if applicable)

Name Logan Padgett

Phone 8503863131

Address 100 N Duval Street

Email lpadgett@jamesmadison.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/2023

Meeting Date

Banking & Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

Amendment Barcode (if applicable)

Name Stephen Cain

Phone 305-358-6644

Address 1 SE #rd Ave., Suite 3000

Email scain@stfblaw.com

Street

Miami

FL

33131

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Amendment Barcode (if applicable)

3/7/23

Meeting Date

B & I

Committee

Name JACK T. COOK

Phone 407-412-4500

Address 146 Creek Forest Lane

Email jcookesquire@gmail.com

Street

Ormond Beach FL

32174

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.☐ I am a registered lobbyist,
representing:☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 7, 2023

Meeting Date

Banking and Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lee Mickus Phone 303-656-2199

Address 3900 E. Mexico Avenue, Ste. 1300 Email _____
Street
Denver CO 80210
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

American Tort Reform Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

03.06.23

Meeting Date

Banking and Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Amendment Barcode (if applicable)

Name Joe Kissane Phone (904) 672-4031

Address 4686 Sunbeam Road Email joseph.kissane@csklegal.com
Street
Jacksonville
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Justice Reform Institute

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/2023

Meeting Date

Banking & Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Fred Cunningham**

Phone **561-625-6260**

Address **2401 PGA Blvd. Suite 140**

Email **fred@pbglaw.com**

Street

Palm Beach Gardens

FL

33410

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/23

Meeting Date

Banking and Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Tom Wheeler**

Phone **850-339-1269**

Address **305 Deer Run**

Email **customdetailingtally@gmail.com**

Street

Monticello

Florida

32344

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

3/7/23

Meeting Date

Banking and Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tom Gaitens

Phone 941-725-4450

Address 7654 Nottingham Sky Dr

Email tgaitens@cala.com

Street

Apollo Beach

Florida

33572

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

CALA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

03/07/23

Meeting Date

Banking & Insurance

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kelly Mallette

Phone (850) 224-3427

Address 104 West Jefferson Street

Email kelly@rlbookpa.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Apartment Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236
Bill Number or Topic

3/1/20
Meeting Date

Committee

Amendment Barcode (if applicable)

Name

GARY MIRACLE J.

Phone

407-412-2020

Address

2352 Brantley Ave

Email

gjm@gomark.com

Street

City

Rodalee FL

State

Zip

32174

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

3/7/23
Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name TARAS KOCHNO

Phone 941 755 8819

Address 3825 26th St W
Street

Email tkochno@gmail.com

Bradenton FL
City

34205
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

the Bill

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

3-7-23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

938529

Amendment Barcode (if applicable)

Committee

Name DR ANGEL JOSE RIGUERAS

Phone 305 401 0161

Address 585 SE 9th Ave

Street

Email angel.rigueras@gmail.com

Hialeah

City

FL

State

33010

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

B 236

Bill Number or Topic

Committee

Name

John Jackson

Phone

352-209-3009

Address

514 Bahia Cir #B

Email

john.jackson@unccdcals.us

Street

Ocala FL 34472

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/23

Meeting Date

223 236

Bill Number (if applicable)

Topic Civil Remedies

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title VP Government Relations / General Counsel

Address 230 S Adams St.
Street

Phone 850-224-2250

Tallahassee FL 32301
City State Zip

Email spadgett@frla.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Restaurant & Lodging Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

3/7/2023

APPEARANCE RECORD

236

Meeting Date

Bill Number or Topic

Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Kelly Smith

Phone 850-999-4100

Address 106 E College Ave, Suite 1200
Street

Email KKSmitH@deanmead.com

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Association of RV Parks and Campgrounds, Inc.

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

Meeting Date

B+I

Committee

Amendment Barcode (if applicable)

Name

DAVID MICA, Jr

Phone

Address

Street

Tallahassee

City

FL

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FL Hospital Assn

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

March 7, 2023

Meeting Date

Banking and Insurance
Committee

236

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

Name George Feijoo ("Fay-Jew") Phone 305-720-7099

Address 108 S. Monroe St. Email grfeijoo@flapartners.com
Street

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

U.S. Chamber Institute for Legal Reform

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

236

Bill Number or Topic

Amendment Barcode (if applicable)

3/7/23

Meeting Date

Banking/Insurance

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Name ALIX MILLER

Phone 850-868-1050

Address 350 E. College Ave

Email alix@floridatrucking.org

Street

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA TRUCKING ASSOCIATION

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23

Meeting Date

Banking & Insurance

Committee

SB 234

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 134 S Bronough St

Email cjohnson@flchamber.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

FL Chamber of Commerce

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 7, 2023

The Florida Senate
APPEARANCE RECORD

236

Meeting Date
Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee
Ashley Kalifeh

Name

850.222.9075

Phone

Address
124 W. Jefferson

ashley@cccfla.com

Email

Street

Tallahassee

FL

32303

City

State

Zip

Reset Form

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

**Coalition of Attainable Housing
Providers**

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

March 7, 2023
Meeting Date

836/236
Bill Number or Topic

Carl Barber
Name Committee

239. 848-1118
Phone Amendment Barcode (if applicable)

3305 Seminole Ave
Address Street

FortMyersGov@gmail.com
Email

Ft Myers FL 33916
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/2023

The Florida Senate
APPEARANCE RECORD

236

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Danny Fields

Phone

1-727-207-4813

Address

7430 Gimbal Ln

Email

Street

NIPD

FL

34653

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

~~236~~ 236

3/7/23

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

DR. STAN PIERCE

Phone

727-223-9970

Address

635 COURT ST. Ste 200

Email

stan.pierce99@gmail.com

Street

CLEARWATER

FL

33756

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 236

Bill Number or Topic

BANKING and INSURANCE

Committee

Name **Jessica HUNTER**

Phone **850-694-1216**

Address **227 South Adams St.**

Email **jessica@fef.org**

Street

Tallahassee FL

32301

City

State

Zip

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Retail Federation

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23
Meeting Date

236

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

William Aulet

Phone

863-450-5528

Address

1400 N. New York Ave
Street

Email

WilliamAulet@gmail.com

City

LaGrange

State

FL

Zip

33805

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/7/23

Meeting Date

SB 236

Bill Number (if applicable)

Topic Civil Remedies

Amendment Barcode (if applicable)

Name Kenneth Pratt

Job Title Senior VP of Governmental Affairs

Address 1001 Thomasville Rd. Ste 201
Street

Phone 850-509-8020

Tallahassee FL 32301
City State Zip

Email kpratt@floridabankers.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Bankers Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

3/7/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236
SB ~~637~~

Bill Number or Topic

Committee

Name

Dr. Renee Hahn

Phone

(321) 848-2219

Address

112 Palm Circle

Email

atlasdrrenee@gmail.com

Street

Melbourne FL

32940

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

~~POCP~~ POCP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

9/3/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

~~SB 837~~ SB 236

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Patrick L. KERRIE

Phone

727-772-1584

Address

753 Countryshire hwy

Email

BWSG ste.wet

Street

Palmer HARBOR FL 34683

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

POCP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

~~SD 837~~ 50-236

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JEFF ANTOUNS

Phone

727-643-0987

Address

300 - S. FL. AVE #200-H

Email

JDANTOUS@YAHOO.COM

Street

TARPON SPRINGS FL 34689

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

March 7-2023

Meeting Date

236

Bill Number or Topic

Juan

Committee

Amendment Barcode (if applicable)

Name

Ernest Rivera

Phone

407-782-7619

Address

19113 Lone Creek Ct.

Email

ErnieRiveraVega@gmail.com

Street

Land O' Lakes, FL

City

State

34638

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Committee

Name

Monica Jackson

Phone

Address

514 Bahia Cir, #B

Email

Monicajack@gmail.com

Street

Ocala

City

71

State

34472

Zip

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/7/2023

Meeting Date

236

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Senate Building / Insurance

Committee

Amendment Barcode (if applicable)

Name ANDREW CANNESTRA M.D.

Phone 904 451-7144

Address 3360 Lighthouse Point Ln
Street

Email acannestra@yahoo.com

Jacksonville Beach FL 32250
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

236

Bill Number or Topic

3/7/22

Meeting Date

Banking and Insurance

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

FARHAN SIDDIQI

Phone

727-807-2476

Address

2040 Short Ave

Street

Odessa FL

City

State

33556

Zip

Email

Dr.Siddiqi@FASTMD.com

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/7/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

236

Bill Number or Topic

Insurance & Banking

Committee

Amendment Barcode (if applicable)

Name

Javier Correo

Phone

305-495-1101

Address

161 NW 6th St. # 1250

Email

JCorreo@uber.com

Street

Miami

City

FL

State

33128

Zip

Speaking:

☒

For

☐ Against

☐ Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

March 7, 2023

Meeting Date

236
Torte Laws

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Delsy Ajo SANTOS

Phone

407 780-7618

Address

19113 Hone Creek

Email

delsyrivera@yahoo.com

Street

Hone Creek Ct. FL 34638

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

5/7/2023

Meeting Date

B+I

Committee

SB 236

Bill Number or Topic

Amendment Barcode (if applicable)

Name William Arnold

Phone _____

Address 5426 Bay Center Dr. Ste 600

Street

Tampa

City

FL

State

33609

Zip

Email warnd@q1florida.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

American Integrity Insurance
Company

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23
Meeting Date

236
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Luis Alegria

Phone

863-510-4519

Address

4526 Lakeland Harbor Loop

Email

l4154146@yahoo.com

Street

Lakeland

FL

33805

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

International Council of Shopping Centers

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

236

3/7/22

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Banking & Insurance

Committee

Amendment Barcode (if applicable)

Name

Kyle Weaver

Phone

850-222-2107

Address

305 S. Gadsden Street

Email

KWeaver@Carrollison.com

Street

Tallahassee

State

FL

Zip

32301

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-7-23

Meeting Date

236

Bill Number or Topic

Banking and Insurance

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Kristen Allen

Phone

850-681-0061

Address

1018 Thomasville Rd, #101

Email

Kristen.allen@madd.org

Street

Tallahassee, FL 32303

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

03/07/2023

Meeting Date

Banking and Insurance

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB-604216

Bill Number or Topic

Civil Remedies - Bad Faith In

Amendment Barcode (if applicable)

Name **Dale Swope**

Phone **813-477-4000**

Address **1234 5th Avenue**

Email **Dales@swopelaw.com**

Street

Tampa

City

FL

State

33605

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD236
~~857~~

2-7-23

Meeting Date

Banking & Insurance

Committee

Deliver both copies of this form to

Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Victor Morales Hughes MD

Phone

855-77-SPINE

Address

2040 S North Avenue

Street

Email

Dr. Hughes@trinity-spine.com

Odessa

City

FL

State

33551

Zip

Speaking:

☐ For

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23

Meeting Date

B + I

Committee

236

Bill Number or Topic

Amendment Barcode (if applicable)

Name

GEORGE COLELLA NATIONAL PRESIDENT OF
BORN TO RIDE FOR 45

Phone

718 664 8923

Address

7470 LAND MARK DR

Email

BORN TO RIDE FOR 45@GMAIL.COM

Street

SPRING HILL

City

FL

State

34606

Zip

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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HB-837 / SB 226
Bill Number or Topic

3/7/23
Meeting Date

BTI
Committee

Amendment Barcode (if applicable)

Name Robert Giles Jr.

Phone 727-458-9403

Address 4530 41st Ave N
Street

Email

St. Petersburg FL
City State

33714
Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

7 MAR 2023

Meeting Date

236

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

DEXTER J. CULCLAGER

Phone

870-550-9787

Address

580 PINE HAVEN DR

Email

dexter.culclager@gmail.com

Street

FRUIT COVE

City

FL

State

32259

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
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I am a registered lobbyist,
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I am not a lobbyist, but received
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S-001 (08/10/2021)

March 7, 2023

The Florida Senate

APPEARANCE RECORD

236

Meeting Date
Banking & Insurance

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Scott Zimmerman

Name

Phone

407.447.1780

Amendment Barcode (if applicable)

Address

501 N. Magnolia Ave.

Email

szimmerman@sgpmanager.com

Street

orlando

FL

32801

City

State

Zip

Reset Form

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/7/23

Meeting Date

236

Bill Number or Topic

Business & Insurance

Committee

Amendment Barcode (if applicable)

Name Ira Fox

Phone 954 818 6801

Address 840 Flanders Rd

Street

Email ifox.99.1f@gmail.com

Delray Beach FL

City

State

33484

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

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☐

I am a registered lobbyist,
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☐

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

COMMITTEE: Banking and Insurance
ITEM: SB 236
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 7, 2023
TIME: 4:00—6:00 p.m.
PLACE: 412 Knott Building

FINAL VOTE		SENATORS	3/07/2023 Amendment 6042161		3/07/2023 Amendment 9385242		3/07/2023 Amendment 6019683	
			Thompson		Thompson		Powell	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Broxson						
X		Burgess						
X		Burton						
X		Hutson						
		Ingoglia						
X		Mayfield						
	X	Powell						
	X	Thompson						
	X	Torres						
X		Trumbull						
X		DiCeglie, VICE CHAIR						
X		Boyd, CHAIR						

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

COMMITTEE: Banking and Insurance
ITEM: SB 236
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 7, 2023
TIME: 4:00—6:00 p.m.
PLACE: 412 Knott Building

[illegible]

CODES: FAV=Favorable
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WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

CourtSmart Tag Report

Room: KB 412
Caption: Senate Banking and Insurance Committee

Case No.: -

Type:
Judge:

Started: 3/7/2023 4:00:39 PM
Ends: 3/7/2023 6:24:53 PM **Length:** 02:24:15

4:00:38 PM	chair calls meeting to order
4:00:39 PM	Roll call
4:01:18 PM	Quorum present
4:01:26 PM	Chair opening remarks
4:01:35 PM	Chair speaks to audience regarding 2 hour meeting slot
4:02:25 PM	Senator Torres would like to make comments on the bill
4:03:25 PM	Senator Torres requests meeting to be extended
4:04:15 PM	Chair comments he will take it under consideration
4:04:37 PM	Tab 1 SB 236 Senator Hutson
4:05:22 PM	Senator Hutson explains bill
4:07:06 PM	Chair announces Senator Broxson is excused
4:08:06 PM	Senator Thompson asks question
4:08:20 PM	Senator Hutson responds
4:08:33 PM	Senator Thompson follow up
4:09:20 PM	Senator Hutson responds
4:09:49 PM	Senator Thompson and Senator Hutson continue questions
4:10:48 PM	Senator Torres asks question
4:11:18 PM	Senator Hutson responds
4:11:40 PM	Senator Torres follow up
4:11:54 PM	Senator Hutson replies
4:12:06 PM	Senator Torres continues with questions
4:12:29 PM	Senator Hutson continues with replies
4:14:08 PM	Senator Powell asks question
4:15:10 PM	Senator Powell responds
4:15:49 PM	Senator Powell continues with questions
4:16:08 PM	Senator Hutson continues with replies
4:27:06 PM	Senator Thompson asks question
4:28:06 PM	Senator Hutson responds
4:29:23 PM	Senator Thompson continues with question
4:30:23 PM	Senator Hutson continues with replies
4:38:43 PM	Take up barcode 425210
4:39:43 PM	Senator Hutson explains amendment
4:39:51 PM	no questions on the amendment
4:40:34 PM	Richie Kidwell on the amendment
4:40:53 PM	debate?
4:41:30 PM	Senator Hutson waives close
4:41:40 PM	Amendment adopted
4:41:45 PM	barcode amendment 604216 by Senator Thompson
4:42:09 PM	Senator Thompson explains amendment
4:42:19 PM	Fred Cunningham to speak on amendment
4:42:57 PM	debate?
4:44:23 PM	Senator Hutson debates this amendment
4:45:22 PM	Senator thompson to close on the amendment
4:45:50 PM	Amendment failed
4:46:27 PM	Senator Torres presents barcode 601968 (Powell)
4:46:53 PM	Philip Gold speaks on the amendment
4:47:18 PM	Scott Zimmerman speaks on the amendment
4:47:59 PM	Michael DiAngelo speaks on amendment
4:48:54 PM	John Villines speaks on the amendment
4:49:44 PM	Questions?
4:50:45 PM	list of people waiving in support
4:51:04 PM	Senator Hutson to speak on the amendment

4:51:28 PM	Senator Torres to close on the amendment
4:52:27 PM	Joe Kissane speaks on amendment
4:53:23 PM	Alex Arteaga speaks on the amendment
4:54:09 PM	amendment fails
4:54:17 PM	barcode amendment 938524
4:55:20 PM	Gary Miracle Jr. speaks on amendment
4:56:20 PM	Frank Pierce speaks on the amendment
4:57:19 PM	Dr. Kessler speaks on the amendment
4:57:46 PM	Lee Mickus speaks on the amendment
4:58:39 PM	Joesph Tessitore speaks on the amendment
4:59:37 PM	Tiffany Faddis speaks on amendment
5:00:38 PM	Jessica Schmor speaks on the amendment
5:01:19 PM	Kimberly Driggers speaks on amendment
5:01:46 PM	Dr. Myers speaks on amendment
5:02:32 PM	Joe Kissane waives in opposition
5:02:56 PM	Chris Ligor speaks on the amendment
5:03:17 PM	list of folks waiving in support of the amendment
5:03:50 PM	Senator Hutson speaks on the amendment
5:04:42 PM	Senator Thompson to close on the amendment
5:05:04 PM	Amendment failed
5:05:39 PM	take up the bill as amendment
5:06:03 PM	Farrah Fox on the bill
5:07:07 PM	Steve Stephens speaks
5:08:14 PM	Angel Grantley speaks
5:09:28 PM	Holly Wozniak speaks
5:10:30 PM	Mark Baisley speaks
5:11:29 PM	Abraham Valdez speaks
5:11:58 PM	Pat Rogers speaks
5:12:49 PM	Dionne Neal speaks
5:13:37 PM	Matt McNulty speaks
5:14:12 PM	J. Mack speaks
5:15:12 PM	Mr. Villatini speaks
5:16:09 PM	Troy Peterson speaks
5:16:45 PM	Romania Dukes speaks
5:17:44 PM	Iva Rody speaks
5:18:29 PM	Frank Pierce speaks
5:19:03 PM	Richard Maxwell speaks
5:19:39 PM	James Wright speaks
5:20:26 PM	Robert Tatornio speaks
5:21:25 PM	Gordon Terry speaks
5:22:07 PM	Freddy Lowery speaks
5:22:59 PM	Dr. Andrew Cannestra speaks
5:23:40 PM	Dr. Fady Bahri speaks
5:24:27 PM	Javier Coreosso speaks
5:25:19 PM	Victor Morales Hayes speaks
5:26:08 PM	George Colella speaks
5:26:50 PM	Robert Giles Jr. speaks
5:27:14 PM	Tom Wheeler speaks
5:27:57 PM	Dexter Culclager speaks
5:29:24 PM	Ira Fox speaks
5:30:24 PM	Chair Boyd speaks
5:30:52 PM	Terry Kemple speaks
5:31:02 PM	Pedro Taylor speaks
5:31:36 PM	Rendy Taylor speaks
5:32:15 PM	David Hasker speaks
5:33:02 PM	Jonathan Reichenbach speaks
5:34:02 PM	David Betancourt speaks
5:34:50 PM	Maria Carmona speaks
5:35:30 PM	Katie Kelley speaks
5:36:21 PM	John Pittman speaks
5:37:20 PM	Jack Cook speaks
5:37:56 PM	Ray Contreras speaks

5:38:52 PM	Curry Pajcic speaks
5:39:29 PM	Chris Ligorì speaks
5:40:27 PM	Phillip Gold speaks
5:41:07 PM	Gary Miracle Sr. speaks
5:42:24 PM	Chair Boyd states that, according, to Rule 2.10, the meeting will be extended
5:43:23 PM	Hank Hutchinson speaks
5:43:36 PM	Logan Padgett speaks
5:44:12 PM	Dr. Jonathan Walker speaks
5:45:25 PM	Eugenia Ratkina speaks
5:45:36 PM	Kristen Allen speaks
5:46:22 PM	Kyle Weaver speaks
5:47:28 PM	Chris Stanburg speaks
5:48:27 PM	Michael Haggard speaks
5:48:41 PM	Joe Kassan speaks
5:49:28 PM	Jessica Moore speaks
5:50:12 PM	Rick Edwards speaks
5:50:54 PM	David Rodstein speaks
5:51:23 PM	Emily Driggers speaks
5:52:07 PM	Joesph Tessitore speaks
5:52:46 PM	Tim Nungesser speaks
5:53:45 PM	Brandon Blake speaks
5:54:16 PM	Lee Mickus speaks
5:55:00 PM	Keith Ligorì speaks
5:56:00 PM	Rich Kidwell speaks
5:56:44 PM	list of people waiving
5:58:11 PM	list of people waiving against
5:59:11 PM	Ernie Rivera speaks
5:59:46 PM	Dr. Richard Drucker speaks
6:00:36 PM	Dr. Anhar speaks
6:01:35 PM	Tom Gaitens speaks
6:02:14 PM	Dr. Kochno speaks
6:03:13 PM	Gary Miracle Jr. speaks
6:04:13 PM	Senator Hutson asks to speaks to Mr. Miracle in his office
6:05:13 PM	Senator Mayfield speaks
6:05:28 PM	Senator DiCeglie makes motion to vote at 6:25 p.m.
6:05:58 PM	Motion is adopted
6:06:07 PM	Senator Trumbull speaks on the bill as amended
6:07:08 PM	Senator Powell speaks on the bill as amended
6:10:29 PM	Senator Torres speaks on bill as amended
6:14:40 PM	Senator Broxson was late to meeting but he is in attendance
6:15:40 PM	Senatr Burgess speaks on the bill as amended
6:16:20 PM	Senator DiCeglie speaks on bill as amended
6:17:53 PM	Senator Thompson speaks on bill as amended
6:20:38 PM	Senator Hutson to close on his bill
6:22:54 PM	Roll call of SB 236
6:23:55 PM	CS/SB 236 reported favorably
6:24:24 PM	Chair closing comments
6:24:30 PM	motion to adjourn by Senator Burton