

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Civil Justice & Property
 2 Rights Subcommittee
 3 Representative Beltran offered the following:

Amendment (with directory and title amendments)

Between lines 121 and 122, insert:

7 (d) For purposes of this section, complete, accurate, and
 8 timely compliance with the requirements of paragraph (c) shall
 9 occur prior to settlement payment, close of discovery or
 10 commencement of trial, whichever is sooner; provided the ability
 11 to plead setoff is not precluded by the delay. This setoff shall
 12 apply only against that part of the settlement or judgment
 13 payable to the claimant, minus claimant's reasonable attorney's
 14 fees and costs. Incomplete or inaccurate disclosure of unpaid
 15 adjudicated claims due the state, its agency, officer, or
 16 subdivision, may be excused by the court upon a showing by the

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17 | preponderance of the evidence of the claimant's lack of
18 | knowledge of an adjudicated claim and reasonable inquiry by, or
19 | on behalf of, the claimant to obtain the information from public
20 | records. Unless the appropriate agency had actual notice of the
21 | information required to be disclosed by paragraph (c) in time to
22 | assert a setoff, an unexcused failure to disclose shall, upon
23 | hearing and order of court, cause the claimant to be liable for
24 | double the original undisclosed judgment and, upon further
25 | motion, the court shall enter judgment for the agency in that
26 | amount. Except as provided otherwise in this subsection, the
27 | failure of the Department of Financial Services or the
28 | appropriate agency to make final disposition of a claim within 3
29 | ~~6~~ months after it is filed shall be deemed a final denial of the
30 | claim for purposes of this section. For purposes of this
31 | subsection, in medical malpractice actions and in wrongful death
32 | actions, the failure of the Department of Financial Services or
33 | the appropriate agency to make final disposition of a claim
34 | within 90 days after it is filed shall be deemed a final denial
35 | of the claim. The statute of limitations for medical malpractice
36 | actions and wrongful death actions is tolled for the period of
37 | time taken by the Department of Financial Services or the
38 | appropriate agency to deny the claim. The provisions of this
39 | subsection do not apply to such claims as may be asserted by
40 | counterclaim pursuant to s. 768.14.

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D I R E C T O R Y A M E N D M E N T

Remove line 37 and insert:

Section 1. Subsection (5), paragraphs (a) and (d) of
subsection

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

Remove line 14 and insert:

a specified date; revising the timeframe within which the
appropriate agency must make final disposition of a claim after
it is filed to prevent the claim from being deemed denied;
revising exceptions relating to