

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Brandes, Chair
Senator Gibson, Vice Chair

MEETING DATE: Monday, January 25, 2021
TIME: 2:30—5:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Brandes, Chair; Senator Gibson, Vice Chair; Senators Baxley, Boyd, Bradley, Broxson, Mayfield, Polsky, Rodrigues, Rouson, and Thurston

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301

Welcome

1	Presentation by the Office of Program Policy Analysis and Government Accountability: --Several Factors Hinder Homeowner and Auto Glass Insurance Fraud Processing		Temporarily Postponed
2	SB 402 Rodrigues	Public Notice and Voting Rights Restoration Database; Authorizing legal notifications in certain cases to be published on a website established by the Supreme Court, in lieu of newspaper publication; specifying that website publication constitutes proof of publication, unless otherwise determined by a court; authorizing a county to publish such legal notifications in a newspaper, subject to certain limitations, etc. JU 01/25/2021 Temporarily Postponed ACJ AP	Temporarily Postponed
3	SB 72 Brandes (Identical H 7)	Civil Liability for Damages Relating to COVID-19; Providing requirements for a civil action based on a COVID-19-related claim; providing that the plaintiff has the burden of proof in such action; providing a statute of limitations; providing severability; providing retroactive applicability, etc. JU 01/25/2021 Favorable CM RC	Favorable Yeas 7 Nays 4

Other Related Meeting Documents

NO MATERIALS AVAILABLE FOR THIS TAB

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 Judiciary

BILL: SB 402

INTRODUCER: Senator Rodrigues

SUBJECT: Public Notice and Voting Rights Restoration Database

DATE: January 22, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ravelo	Cibula	JU	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 402 proposes a process to identify amounts owed for fines, fees, and restitution by non-violent ex-felons to help them determine whether their voting rights have been restored in accordance with Amendment 4. Any remaining balances owed will be published on a website operated by the Supreme Court. The website will receive funding from fees collected from legal notices published through a statewide website.

The bill allows for legal notices to be published through a statewide website established and maintained by the Supreme Court in lieu of publication in a newspaper. The cost to publish a legal notice may not exceed \$500, unless the Supreme Court adjusts this fee with the approval of the Legislative Budget Commission.

The bill allows for either of these websites to be operated by the Supreme Court, the Office of State Courts Administrator, or a contractor selected the Court.

A county may publish a legal notice in a newspaper of general circulation within that county, but the newspaper may not charge a fee in excess of the website publication fee established by the Supreme Court.

The bill requires the Office of State Courts Administrator, on a monthly basis, to:

- Publish the existence of the legal notice website, along with its web address, in at least one newspaper of general circulation in each county of the state;
- Direct each county to post a clear written notice of the legal notices website at the entrance of each county courthouse and each annex containing court facilities;
- Direct each clerk of court to include a notice of the legal notices website on its official website; and
- Direct each judicial circuit to include a notice of the legal notices website on its official website.

The bill is effective July 1, 2021.

II. Present Situation:

The Florida Constitution requires that certain meetings between public officials be “open and noticed to the public.”¹ Generally, this requirement applies to meetings where official acts will be taken, or where public business will be transacted or discussed.

Similarly, procedural due process requires that a citizen receive proper notice of any government action that may affect his or her life, liberty, or property. The purpose of this notice is “to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections”² and “must be of such nature as reasonably to convey the required information.”³

Historically, notice can be established by service of process by personally and directly delivering the notice to the interested party.⁴ Issues may arise, for example, when an interested party is difficult to locate or when someone is purposefully avoiding service.⁵ Likewise, some government actions such as public meetings affect so many interested individuals that it becomes implausible to individually notice each interested individual. To balance these interests, the Legislature has provided options to satisfy notice requirements for both litigation purposes as well as notices of public meetings and actions.

Statutory Notice Requirements

Florida law requires that all legal notices and publications, including those made in lieu of service of process, be made in a newspaper that:

- Is printed and published at least once a week;
- Contains at least 25 percent of its words in the English language;
- Is considered a periodical by the post office in the county where it is published;
- Is for sale to the public generally;
- Customarily contains information of public interest to the residents or property owners in the county where it is published or is of interest or of value to the general public;⁶ and
- Has been in existence for at least 1 year at the time the notice is published.⁷

¹ Art. I, s. 24(b), Fla. Const.

² *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

³ *Id.*

⁴ “Personal service guarantees actual notice of the pendency of a legal action; it thus presents the ideal circumstance under which to commence legal proceedings against a person, and has traditionally been deemed necessary in actions styled.” *Greene v. Lindsey*, 456 U.S. 444, 449 (1982).

⁵ “Where person to be served with process flees from presence of process server in a deliberate attempt to avoid service of process, the delivery requirement may be satisfied if the process server leaves the papers at a place in which such person can easily retrieve them and takes reasonable steps to call such delivery to the attention of the person to be served.” *Olin Corp. v. Haney*, 245 So. 2d 669 (Fla. 4th DCA 1971). This only applies, however, to a service of process made at the individual’s “usual place of abode.” Section 48.031, F.S.

⁶ Section 50.011, F.S.

⁷ Section 50.031, F.S.

If no newspaper is published in the county, three copies of the notice or advertisement must be posted in the county, with one being posted at the front door of the courthouse, two others posted at other locations in the county, and by publication of the notice in the nearest county where a newspaper is published.⁸

A newspaper publishing any notice is also tasked with placing the notice on a statewide website established and maintained by the Florida Press Association.⁹ This website must be accessible and searchable by party name and case number, and each notice must be posted for at least 90 days.¹⁰ This provision of Florida law is similar to statewide legal notice websites established in Alabama,¹¹ Colorado,¹² Illinois,¹³ Louisiana,¹⁴ Maine,¹⁵ Massachusetts,¹⁶ North Dakota,¹⁷ Ohio,¹⁸ Tennessee,¹⁹ Utah,²⁰ Virginia,²¹ and Wisconsin.²² The above states require that any notice published in a newspaper as set forth by law also be published in a statewide website maintained and operated by a private entity on behalf of the newspapers of that state, such as a union or trade group.

Newspaper Website

Florida law further provides that if the newspaper publishing the notice maintains a website, the legal notice must be published on the website the same day that it appears in the newspaper at no additional charge.²³ The newspaper's website must contain a search function to facilitate searching for legal notices.²⁴ Registration cannot be a requirement, nor can a fee be charged, for searching or viewing legal notices on a newspaper's website if the legal notices are published in a newspaper.²⁵

Fees

The fees for a legal notice published in a newspaper are set by statute and may not be rebated, commissioned, or refunded. The charge for publishing a legal notice is set by statute at 70 cents per square inch for the first insertion and 40 cents per square inch for each subsequent insertion. Notices required to be published more than once and paid for by the government entity may not be charged greater than 85 percent of the original rate for second and successive insertions. If the

⁸ Section 50.021, F.S.

⁹ Section 50.021, F.S. The website established by the Florida Press Association, Florida Public Notices, is available at <https://www.floridapublicnotices.com/>.

¹⁰ *Id.*

¹¹ Ala. Code § 6-8-62.

¹² Colo. Rev. Stat. Ann. § 24-70-103.

¹³ 715 Ill. Comp. Stat. Ann. 5/2.1.

¹⁴ La. Stat. Ann. § 43:111E.

¹⁵ Me. Rev. Stat. tit. 1, § 603(2).

¹⁶ Mass. Gen. Laws Ann. ch. 4, § 13.

¹⁷ N.D. Cent. Code Ann. § 46-05-09.

¹⁸ Ohio Rev. Code Ann. § 125.182(a).

¹⁹ Tenn. Code Ann. § 1-3-120(a)(2).

²⁰ Utah Code Ann. § 45-1-101(2)(b).

²¹ Va. Code Ann. § 8.01-324(g).

²² Wis. Stat. Ann. § 985.01(7).

²³ Section 50.0211(2), F.S.

²⁴ *Id.*

²⁵ *Id.*

regular established minimum commercial rate per square inch is greater than the rate stipulated in statute, the publisher may charge the minimum commercial rate for each insertion, except that notices required to be published more than once and paid for by the government entity may not be charged greater than 85 percent of the original rate for second and successive insertions. All notices and legal advertisements are charged on the basis of 6-point type on 6-point body, unless otherwise specified by statute.²⁶

Actual fees vary depending on the type of notice requested, the size of the notice, any subsequent insertions or publications, as well as which newspaper publicizes the notice. The Tampa Bay Times, for example, charges \$200 for a “full run” of a notice of a foreclosure action.²⁷ If the notice needs to be up for more than 2 days, the charge increases to \$400. Additionally, the per-line cost above the included 165 line limit is \$6.45.

Felony Fees and Fines

In 2018, Amendment 4 to the Florida Constitution was approved by the voters of Florida. Prior to the amendment passing, individuals convicted of a felony were disqualified from voting unless their civil rights were restored.²⁸ The amendment provides for the automatic restoration of voting rights “upon completion of all terms of sentence including parole or probation.”²⁹ The amendment does not apply to those convicted of murder or a felony sexual offense.³⁰

In 2019, SB 7066 was signed into law and further defined “completion of all terms of sentence.” Specifically, s. 98.0751, F.S., created by the bill, defined the phrase to require:

- Completion of all terms of imprisonment;
- Completion of any court ordered probation or community control;
- Termination any term of supervision monitored by the Florida Commission on Offender Review;
- Completion of any court ordered community service hours;
- Payment in full of any restitution ordered to a victim by the court as a part of a sentence;
- Fulfillment of any term ordered by the court as part of a sentence; and
- Payment in full of any fines or fees ordered by the court as a part of the sentenced or as part of any condition of supervision, including probation, community control, or parole.³¹

The local supervisor of elections must verify and make the final determination on whether an individual is eligible to vote based on his or her felony conviction and his or her completion of sentence.³² To determine eligibility, the supervisor of elections may obtain information from the

²⁶ Section 50.061, F.S.

²⁷ For the Tampa Bay Times, a “full run” includes all of Pinellas, Pasco, Hernando, Citrus, and Hillsborough counties. Opting for an individual run of a specific county costs \$135 for Pasco County, and \$155 for Hillsborough or Pinellas Counties. TAMPA BAY TIMES, *Certified Legal Rates*, <https://www.tampabay.com/resources/images/marketing/mediakit/pdf/Legal-Rate-Card.pdf> (Last visited January 21, 2021)

²⁸ Civil rights, including voting and firearm ownership rights, may be restored based on the approval of the Governor along with two members of the Florida Cabinet. Article IV Section 8(a)

²⁹ Art. VI, s. 4(a), FLA. CONST.

³⁰ Art. VI, s. 4(b), FLA. CONST. and s. 98.0751(1), F.S.

³¹ Section 98.0751(a), F.S.

³² Section 98.0751(3)(b), F.S.

Department of State, which verifies registered voters who have been convicted of a disqualifying felony based on records from a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office.³³ The supervisor of elections in several different counties, as well as the Department of State, have instructions on their websites for ex-felons to contact the clerk of the circuit court or the Department of Correction to determine if their sentences have been completed for the purposes of voting rights restoration.³⁴

If the supervisor of elections determines that the individual is ineligible to register to vote, the supervisor must notify the applicant within 7 days after receiving information regarding the individual's ineligibility.³⁵ The registered voter may, within 30 days, challenge the ineligibility determination and request a hearing for the purpose of determining eligibility. Determinations of eligibility are based on a preponderance of evidence standard.³⁶ The final determination of eligibility may be appealed to the circuit court.³⁷

If an individual is unsure of his or her eligibility to vote based on his or her inability to verify a completion of sentence, he or she may request an advisory opinion from the Department of State.³⁸ If the Department "finds no credible or reliable information to indicate that the felon is eligible to vote, the Division will issue an opinion stating that the felon is eligible."³⁹ In 2020, the Department issued 19 separate advisory opinions in response to specific individual requests to determine voter eligibility based on felony convictions and any costs, fees, fines, and restitution owed.⁴⁰

III. Effect of Proposed Changes:

Legal Notice Website

The bill provides an option for those required by law to publish legal notices to publish those notices on a website maintained by the Florida Supreme Court in lieu of a newspaper publication. Legal notice may be satisfied upon the notice being accessible during the period of time that notice was required. A court may find that the notice was not sufficient if the notice was not accessible during the period of time that the notice was required.

³³ Section 98.075(5)

³⁴ Lori Scott, Supervisor of Elections, Brevard County, *Amendment 4: Registering to Vote*, <https://www.votebrevard.gov/Voter-Information/Restoration-of-Rights> (Last visited Jan. 21, 2021) and Sarasota County Supervisor of Elections, *Amendment 4 Fact Sheet*, <https://www.sarasotavotes.com/content.aspx?id=307> (Last visited Jan. 21, 2021) and Michael Bennett, Supervisor of Elections, Manatee County, *Restoration of Civil Rights*, <https://www.votemanatee.com/m/Voter-Information/Restoration-of-Civil-Rights> (Last visited Jan. 21, 2021).

³⁵ Section 98.075(7)(a)(1), F.S.

³⁶ Section 98.075(7)(b)(1), F.S.

³⁷ Section 98.0755, F.S.

³⁸ Section 106.23(2), F.S.

³⁹ Florida Department of State, *Constitutional Amendment 4/Felon Voting Right*, <https://dos.myflorida.com/elections/for-voters/voter-registration/constitutional-amendment-4felon-voting-rights/> (Last visited Jan. 21, 2021).

⁴⁰ Florida Department of State, *Advisory Opinions By Year, 2020-Felon Opinions*, <https://dos.myflorida.com/elections/laws-rules/advisory-opinions/advisory-opinions-by-year/> (Last visited Jan. 21, 2021).

The website may be operated by the Office of the State Courts Administrator or by a contractor selected by the Court. The operating costs of the website may not exceed 15 percent of the revenue from fees for posting legal notices on the website.

The bill requires the Office of State Courts Administrator, on a monthly basis, to:

- Publish the existence of the website, along with its web address, on a monthly basis in at least one newspaper of general circulation in each county of the state;
- Direct each county to post a clear written notice of the legal notices website at the entrance of each county courthouse and each annex containing court facilities;
- Direct each clerk of court to include a notice of the website on its official website; and
- Direct each judicial circuit to include a notice of the legal notices website on its official website.

Fees

The bill limits the fee charged to post a notice on the website to \$500, allowing for adjustment by the Supreme Court with the approval of the Legislative Budget Commission. This same fee limit, or an alternative if established by the Supreme Court, would apply to any legal notice that a county posts in a newspaper of general circulation in lieu of publishing the notice in the Supreme Court's legal notices website.

After taking into account the operating costs of the legal notices website, revenue from fees collected will be used to aggregate and collect data regarding restitution, fines, and fees owed by non-violent⁴¹ ex-felons.⁴²

Any excess revenue which remains after the operating costs of the website will be deposited into the Senate Courts Revenue Trust Fund. Fifteen percent of this excess revenue may be pledged toward the operation of the website created for the publication of legal notices.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴¹ The language of Amendment 4 allows restoration of voting rights upon completion of all terms of sentence with the exception of those convicted of murder or a felony sexual offense. The bill is narrower in that it would mandate only "non-violent" felony convictions to be included in the aggregated data on the website. While undefined in the bill, "non-violent" could seemingly exclude certain felony convictions based assault, battery, and certain weapons based offenses. Under the Violent Career Criminals law, for example, violent felonies include: arson, sexual battery, robbery, kidnapping, aggravated child abuse, aggravated abuse of an elderly or disabled person, aggravated assault with a deadly weapon, murder, manslaughter, aggravated manslaughter of an elderly or disabled person, aggravated manslaughter of a child, unlawful throwing, placing or discharging of a destructive device or bomb, armed burglary, aggravated battery, and aggravated stalking. Section 775.084(1)(b)(1), F.S. The Legislature likely intends for the language of the bill to refer to the ex-felons identified in State Constitution who may have their voting rights restored.

⁴² The bill includes the language "to victims and the judicial branch". Broadly, this would indicate payment of restitution to the victim, as well as court costs, fees, and fines owed to the judicial branch.

B. Public Records/Open Meetings Issues:

This bill does not make confidential the information relating to amounts owed by ex-felons. If the Legislature determines that information should be confidential and exempt from the disclosure requirements of the public records laws, it would need to address that issue in a separate bill.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19(a) of the State Constitution prohibits the Legislature from imposing a new fee except through legislation approved by supermajority vote of each house of the Legislature. Because the bill preserves the option of publishing legal notices in a newspaper, the supermajority vote requirements do not appear to apply.

E. Other Constitutional Issues:

The bill may raise procedural due process concerns to the extent that it hinders actual notice of legal proceedings. Procedural due process requires fair notice “to apprise interested parties of the pendency of” an action that may affect life, liberty, or property.⁴³ For example, notice is required for termination of parent rights proceedings,⁴⁴ certain local county initiatives,⁴⁵ and civil judgements based on litigation.⁴⁶ On the other hand, the publication of a notice on a website instead of a newspaper may, in some cases, be more effective than publishing a notice solely in a newspaper. Courts have accepted various alternatives to actual service of process over the years.⁴⁷

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

None.

⁴³ 339 U.S. 306, 314 (1950).

⁴⁴ *J.B. v. Florida Dept. of Children & Family Services*, 768 So. 2d 1060, 1066 (Fla. 2000) (Finding that 24-hour notice of a hearing regarding termination of parent rights was insufficient notice) .

⁴⁵ *Baycol, Inc. v. Downtown Dev. Auth. of City of Fort Lauderdale*, 315 So. 2d 451, 455 (Fla. 1975) (Finding that the city failed to place express or de facto notice in an eminent domain proceeding) and *Keys Citizens For Responsible Gov't, Inc. v. Florida Keys Aqueduct Auth.*, 795 So. 2d 940, 949 (Fla. 2001) (The Court found in dictum that “constructive notice by publication is appropriate in bond validation proceedings”).

⁴⁶ “To give such proceedings any validity, there must be a competent tribunal to pass on their subject-matter; and, if that involves merely a determination of the personal liability of defendant, he must be brought within its jurisdiction by service of process within the state, or by his voluntary appearance.” *Pennoyer v. Neff*, 95 U.S. 714, 719 (1877), overruled in part by *Shaffer v. Heitner*, 433 U.S. 186 (1977).

⁴⁷ For example, the courts have routinely upheld certified mail as a valid method of constructive notice. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (The Court found in dictum that mail “provide[s] an ‘efficient and inexpensive means of communication’ upon which prudent men will ordinarily rely in the conduct of important affairs”).

B. Private Sector Impact:

This bill will likely reduce revenue for newspapers to the extent that public officials and parties in litigation decide to use the Supreme Court's website in lieu of a newspaper for the publication of legal notices.

C. Government Sector Impact:

The bill may reduce government costs to publish legal notices.

According to the Office of the State Courts Administrator, it anticipates an increase in its workload in order to maintain the two websites described in the bill. Additionally, OSCA anticipates having to collaborate with the clerks of court to collect the relevant data. Complicating matters further is the fact that the "67 clerks of court currently do not have a statewide system for identifying legal financial obligations."

VI. Technical Deficiencies:

The Legislature may wish to revise the bill to provide more detail regarding how data regarding amounts owed by non-violent ex-felons is to be collected.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Rodrigues

27-00581-21

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1 A bill to be entitled
2 An act relating to the Public Notice and Voting Rights
3 Restoration Database; authorizing legal notifications
4 in certain cases to be published on a website
5 established by the Supreme Court, in lieu of newspaper
6 publication; providing that such legal notifications
7 be posted to the website following payment of a fee;
8 providing limitations for, and for the adjustment of,
9 such fees; specifying that website publication
10 constitutes proof of publication, unless otherwise
11 determined by a court; authorizing a county to publish
12 such legal notifications in a newspaper, subject to
13 certain limitations; providing requirements and
14 limitations regarding the operation of the website;
15 providing that certain revenue be used toward certain
16 data collection regarding nonviolent felons and the
17 publication of such data on a website; providing
18 requirements and limitations regarding the operation
19 of the website containing such data; providing for the
20 deposit of any remaining excess revenue into the State
21 Courts Revenue Trust Fund; specifying that a certain
22 portion of remaining excess revenue may be pledged
23 toward operating costs of the website containing legal
24 notifications; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Public Notice and Voting Rights Restoration
29 Database.—

27-00581-21

2021402__

30 (1) Notwithstanding any other law, in any civil or criminal
31 case in which a legal notification must be made by publication
32 in a newspaper, the notification may be published on a website
33 established by the Supreme Court in lieu of newspaper
34 publication. The notification must be posted to the website
35 following the payment of a fee established by the Supreme Court.
36 The fee charged may vary based on the number of words contained
37 in the notification but may not exceed \$500 per notification.
38 The maximum fee may be adjusted by the Supreme Court, upon
39 approval by the Legislative Budget Commission. Actual access by
40 the court of a notification on the Internet constitutes proof of
41 publication for all purposes, unless the court with jurisdiction
42 over the particular matter determines that access to the website
43 was not sufficiently available during the notice period to
44 constitute sufficient notice. A county may publish the legal
45 notification in at least one newspaper of general circulation in
46 such county in lieu of website publication; however, the fee
47 charged by the newspaper for publication may not exceed the
48 website publication fee established by the Supreme Court.

49 (2) The website established pursuant to subsection (1) must
50 be operated by the Supreme Court, by the Office of the State
51 Courts Administrator, or by a contractor selected by the court.
52 The website operating costs may not exceed 15 percent of revenue
53 from fees for legal notifications published on the website. The
54 Office of the State Courts Administrator must publicize the
55 existence of the website and its web address on at least a
56 monthly basis through publishing a notice in at least one
57 newspaper of general circulation in each county of the state,
58 directing each county to post a clear written notice at the

27-00581-21

2021402__

59 entrance of each county courthouse and each annex containing
60 court facilities, and directing each clerk of court and judicial
61 circuit to include a notice on their official website.

62 (3) All revenue from fees collected pursuant to subsection
63 (1) which is in excess of the operating costs for the legal
64 notification website must be used toward aggregating and
65 publishing data regarding restitution, fines and fees owed by
66 nonviolent felons to victims and the judicial branch, and the
67 operation of a website that displays such data. Such website
68 must be operated by the Supreme Court, by the Office of the
69 State Courts Administrator, or by a contractor selected by the
70 court; however, the operating costs of the website may not
71 exceed 50 percent of excess revenue remaining after any
72 deductions made pursuant to subsection (2).

73 (4) Any excess revenue remaining after deducting operating
74 costs for the website established in subsection (3) shall be
75 deposited into the State Courts Revenue Trust Fund. Fifteen
76 percent of such excess revenue from fees collected in any fiscal
77 year may be pledged for the operation of the website established
78 in subsection (1).

79 Section 2. This act shall take effect July 1, 2021.

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 Judiciary

BILL: SB 72

INTRODUCER: Senator Brandes

SUBJECT: Civil Liability for Damages Relating to COVID-19

DATE: January 22, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Favorable
2.			CM	
3.			RC	
4.				

I. Summary:

SB 72 creates civil liability protections for individuals, businesses, and other organizations against COVID-19-related claims. The bill, however, excludes healthcare providers from the liability protections created in the bill.

The bill establishes preliminary requirements that a plaintiff must complete before the case is allowed to proceed. A court must determine whether:

- The complaint was pled with particularity;
- A physician's affidavit was simultaneously submitted stating that, within a reasonable degree of medical certainty, the physician believed that the defendant caused, through acts or omissions, the plaintiff's damages, injury, or death. If the plaintiff did not meet these requirements, the court must dismiss the action, but the plaintiff is not barred from correcting the deficiencies and refileing the claim.
- The defendant made a good faith effort to substantially comply with authoritative or controlling health standards when the action accrued. If the court determines that the defendant made the requisite good faith effort, the defendant is immune from civil liability. If, in contrast, the court determines that the defendant did not make the requisite good faith effort, the action may proceed.

If a plaintiff meets these preliminary requirements, then he or she bears the burden of proving that the defendant did not make the good faith effort. Additionally, the plaintiff must meet the heightened standard of proving that the defendant's acts or omissions were grossly negligent by the clear and convincing evidence standard.

A COVID-19-related lawsuit must be brought within 1 year after a cause of action accrues unless the cause of action occurred before the effective date of the bill. However, if a cause accrues before the effective date of the bill, the plaintiff has 1 year from the effective date of the act to bring the claim.

The bill takes effect upon becoming a law and applies retroactively. However, the bill does not apply in a civil action against a particular defendant if the suit is filed before the bill's effective date.

II. Present Situation:

Background

The COVID-19 pandemic has affected the state of Florida in ways that were unimaginable one year ago. The toll on individuals, businesses, and the economy has been catastrophic. According to the Department of Health, 1,601,011 positive COVID-19 cases have been diagnosed in the state, 68,932 residents have been hospitalized, and 24,965 people have died of the virus.¹

As the pandemic forced businesses to close, millions of Americans lost their jobs. The U.S. economy contracted at the greatest rate since World War II. In Florida, general revenue collections for Fiscal Year 2019-20 were down nearly \$1.9 billion from the forecast projections made in January 2020. The vast majority of the loss, 84.7 percent, came from a loss of sales tax revenues, the largest component and category most affected by the pandemic. The Revenue Estimating Conference adopted a forecast for sales tax revenues in December 2020, as compared to the January 2020 forecast, that anticipates a loss to General Revenue of approximately \$2.0 billion in Fiscal Year 2020-21 and \$1.0 billion in Fiscal Year 2021-22. The sales tax losses are attributable to a substantial loss in the tourism and recreation areas, often driven by out-of-state tourism, and also by reduced sales to local residents at restaurants and venues, including leisure activities impacted by the pandemic.²

Governor DeSantis issued Executive Order No. 20-52 on March 9, 2020, declaring a state of emergency and issuing guidelines to halt, mitigate, or reduce the spread of the outbreak. The order has been extended 5 times,³ most recently by Executive Order No. 20-316, issued on December 29, 2020.

During the pandemic, government-issued health standards and guidance detailing how to best combat the virus have sometimes been in conflict. They sometimes changed rapidly, making appropriate responses difficult. Businesses and individuals often scurried to provide appropriate responses based upon the information they received at any given time.

As businesses and entities struggle to re-open or keep their doors open, a growing concern has been expressed that unfounded or opportunistic lawsuits for COVID-19-related claims could threaten their financial survival. The concern is that time, attention, and financial resources diverted to respond to the lawsuits could be the difference between individuals and entities succeeding or failing as they attempt to emerge from the pandemic. One protection that has been

¹ Florida Department of Health, Division of Disease Control and Health Protection, [Florida's COVID-19 Data and Surveillance Dashboard \(arcgis.com\)](#) accessed on January 21, 2021.

² *Executive Summary, Revenue Estimating Conference for the General Revenue Fund & Financial Outlook Statement*, August 14, 2020, and subsequently updated. <http://edr.state.fl.us/Content/conferences/generalrevenue/archives/200814gr.pdf>

³ A state of emergency declared under the State Emergency Management Act may not last for more than 60 days unless it is renewed by the Governor. Section 252.36(2), F.S.

offered is the provision of heightened legal immunity from COVID-19 claims to fend off meritless lawsuits and preserve scant resources.

COVID-Related Lawsuits

According to the Congressional Research Service,⁴ a growing number of plaintiffs have filed tort lawsuits in hopes of being compensated for personal injuries that resulted from alleged exposure to COVID-19 or from the failure of a defendant to properly treat the virus. Some examples of the lawsuits include:

- The relatives of deceased family members, who allegedly contracted the virus in the workplace, have filed cases stating that the employers caused the decedents' deaths because they failed to implement workplace safety measures.
- Many cruise ship passengers have filed lawsuits against cruise lines alleging that the cruise line exposed them to the virus or caused them to contract the virus while on a cruise.
- Plaintiffs have sued assisted living facilities and nursing homes. They allege that their relatives died because these entities negligently exposed their relatives to the virus or failed to diagnose them in a timely or appropriate manner, and then treat the symptoms.
- Businesses that folded have sued their insurance companies challenging the denial of their coverage for claims of business interruptions.
- Consumers have filed suits seeking financial reimbursement for travel, events, and season passes at recreational venues which were cancelled or closed because of the pandemic.
- Employees have sued their employers alleging that the employer unlawfully terminated them because they contracted the virus.
- Stockholders have sued public companies alleging that the companies violated federal securities laws when they did not accurately state the pandemic's toll on the companies' finances as required in mandatory disclosure statements.⁵

The Congressional Research Service states that proponents of COVID-19 liability protections assert that litigation and the cost of legal fees will cripple businesses, individuals, schools, and non-profit organizations and deter the organizations from reopening. Proponents are concerned that these entities will shape their business decision-making to avoid liability. This unwillingness to continue or reopen businesses will delay the national economic recovery. Others believe that many COVID-19-related claims "are generally meritless, and therefore serve primarily to benefit plaintiffs' lawyers rather than vindicate injured person's legal rights."⁶

⁴ The Congressional Research Service works solely for the U.S. Congress and provides policy and legal analysis to both members and committees of the House and Senate. It is a legislative branch agency housed within the Library of Congress. <https://www.loc.gov/crsinfo/>.

⁵ Congressional Research Service, *COVID-19 Liability: Tort, Workplace Safety, and Securities Law* (Sept. 24, 2020) <https://crsreports.congress.gov/product/pdf/R/R46540>.

⁶ *Id.* at 2.

In contrast, opponents of liability protections disagree. They maintain that organizations would encounter only minimal legal exposure for COVID-19 liability. The opponents also contend that providing a shield for defendants would harm the public by permitting defendants to commit negligent acts with legal protections. It would also remove any incentives for businesses to take precautions against the spread of the virus.⁷

Florida Lawsuits

It is difficult to determine how many COVID-19-related lawsuits have been filed in the state. Staff contacted the Office of the State Courts Administrator to ask if it could determine how many claims have been filed in the state courts. The office did not have that data available.

Staff is aware that claims have been filed in the federal district courts of the state. Many of those claims are suits against cruise ship lines where passengers allege that they contracted the virus while on the cruise.

Legislative and Executive Responses of Other States

At least 14 states have enacted legislation to provide civil liability immunity to individuals and entities from COVID-19-related claims.⁸ At least two additional states have issued executive orders to provide liability limitations.⁹ These laws do not reflect separate healthcare liability protections. To date, no similar federal legislation has been enacted, although s. 4317 was introduced in the Senate on July 27, 2020, and referred to committee where it languished.¹⁰

In general terms, the legislation enacted by other states provides protections if a defendant acts in good faith to substantially comply with the applicable COVID-19 standards. The immunity does not apply if the defendant's acts or omissions constitute gross negligence or willful or wanton misconduct.

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.¹¹ When a plaintiff files a tort claim, he or she alleges that the defendant's "negligence" caused the injury. Negligence is defined as the failure to use reasonable care. It means the care that a reasonably careful person would use under similar circumstances. According to the Florida Standard Jury Instructions, negligence means

⁷ *Id.* at 3.

⁸ The states are: Georgia, Idaho, Iowa, Kansas, Louisiana, Michigan, Mississippi, Nevada, North Carolina, Ohio, Oklahoma, Tennessee, Utah, and Wyoming. Additional, and sometimes separate, legislation has been enacted by 17 states that provides medical liability limitations for health care facilities and workers. The data base was current as of December 9, 2020.

National Conference of State Legislatures, *State Action on Coronavirus (COVID-19)*
<https://www.ncsl.org/research/health/state-action-on-coronavirus-covid-19.aspx#db>.

⁹ Alabama Executive Order signed by Governor Kay Ivey on May 8, 2020, and Arkansas Executive Order 20-33 signed by Governor Asa Hutchinson on June 5, 2020.

¹⁰ Safe to Work Act, s. 4317 –116th Cong. (2020) <https://www.congress.gov/bill/116th-congress/senate-bill/4317/actions>.

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

“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.¹²

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.¹³

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.¹⁴

Under the Florida Rules of Civil Procedure, there is a limited group of allegations that must be pled with “particularity.” These allegation include allegations of fraud, mistake, and a denial of performance or occurrence.¹⁵

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.

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.¹⁶ As mentioned above, 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 applies less often, and is a higher standard of proof.¹⁷

¹² Fla. Std. Jury Instr. Civil 401.3, *Negligence*.

¹³ 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.

¹⁴ Fla. R. Civ. P. 1.110.

¹⁵ Fla. R. Civ. P. 1.120(b) and (c).

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

¹⁷ *Id.*

However, both of these standards are lower than the “reasonable doubt” standard which is used in criminal prosecutions.”¹⁸ 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.¹⁹

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.”²⁰ 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 a preponderance of the evidence, 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.²¹

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.²²

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.²³

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.²⁴

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

¹⁸ Thomas D. Sawaya, *Florida Personal Injury Law and Practice with Wrongful Death Actions*, s. 24.4 (2020).

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

²⁰ Fla. Std. Jury Instr. 401.3, *Greater Weight of the Evidence*.

²¹ *Slomowitz v. Walker*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983) as discussed in the Sawaya treatise at note 5.

²² Sawaya, *supra* at s. 2:12.

²³ *Id.*

²⁴ *Id.*

- A conscious, voluntary act or omission to act, that will likely result in an injury.^{25,26}

Access to Courts – *Kluger v. White*

The State Constitution provides in Article 1, s. 21, the “Access to courts” section,

The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Case law has demonstrated, however, that this provision is not absolute. In 1973, the Florida Supreme Court issued an opinion, *Kluger v. White*,²⁷ a case which construed the access to courts provision. In broad terms, the case before the Court involved the abolition of a statute governing a tort action for property damage in an automobile accident case. When the Legislature abolished the remedy, it did not provide an alternative protection to the injured party.

The Court was confronted with the issue of whether the Legislature could abolish a right of access to the courts. The Court determined that the Legislature may not abolish a pre-1968 common law right or a statutory cause of action unless the Legislature provides a reasonable alternative to that action or unless an overpowering public necessity exists for abolishing the right of action. The Court applies a three-part test to determine whether a statute violates the access to courts provision:

- Does the change abolish a preexisting right of access?
- If so, whether a reasonable alternative exists to protect that preexisting right of access.
- If no reasonable alternative exists, whether an overwhelming public necessity exists.²⁸

Restrictions on the ability to bring a lawsuit have been upheld as constitutional, but the point at which a restriction becomes an unconstitutional bar is not well defined.

Statute of Limitations

A statute of limitations establishes a time limit for a plaintiff to file an action or the case will be barred. According to statute, an action for a negligence claim must be brought within 4 years after the cause of action accrues.²⁹

Statutes of limitations are created to encourage a plaintiff to initiate an action while witnesses and evidence can be found. They also serve as a shield to protect a defendant from having to defend against a claim that occurred so long ago that precise memories have grown hazy.³⁰ A statute of limitations begins to run when the cause of action accrues. A cause of action accrues

²⁵ *Id.*

²⁶ Culpable negligence is a fourth degree of negligence but is not discussed in this analysis.

²⁷ *Kluger v. White*, 281 So. 2d 1 (Fla. 1973).

²⁸ *Eller v. Shova*, 630 So. 2d 537 (Fla. 1993).

²⁹ Section 95.11(3), F.S.

³⁰ 35 Fla. Jur 2d *Limitations and Laches* s. 1 (2020).

when the last element constituting the cause of action occurs.³¹ In a personal injury action based on the negligent act of another, the last element occurs when the plaintiff is injured.³²

Retroactive Application of a Statute

Under Florida law, statutes are presumed to operate prospectively, not retroactively. In other words, statutes generally apply only to actions that occur on or after the effective date of the legislation, not before the legislation becomes effective.

The Florida Supreme Court has noted that, under the rules of statutory construction, if statutes are to operate retroactively, the Legislature must clearly express that intent for the statute to be valid.³³ When statutes that are expressly retroactive have been litigated and appealed, the courts have been asked to determine whether the statute applies to cases that were pending at the time the statute went into effect. The conclusion often turns on whether the statute is procedural or substantive.

In a recent Florida Supreme Court case, the Court acknowledged that “[t]he distinction between substantive and procedural law is neither simple nor certain.”³⁴ The Court further acknowledged that their previous pronouncements regarding the retroactivity of procedural laws have been less than precise and have been unclear.³⁵

Courts, however, have invalidated the retroactive application of a statute if the statute impairs vested rights, creates new obligations, or imposes new penalties.³⁶ Still, in other cases, the courts have permitted statutes to be applied retroactively if they do not create new, or take away, vested rights, but only operate to further a remedy or confirm rights that already exists.³⁷

In a case challenging the application of an increase in the standard of proof from a preponderance of the evidence to the clear and convincing evidence standard after the plaintiff had filed a complaint, the court concluded that the statute could apply retroactively.³⁸ The Florida Supreme Court has noted that burden of proof requirements are procedural and may be abrogated retroactively because litigants do not have a vested right in a method of procedure.³⁹ The Court also permitted retroactive application of a statute that altered the plaintiff’s burden of proof.⁴⁰

³¹ Section 95.031(1), F.S.

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

³³ *Walker & LaBerge, Inc., v. Halligan*, 344 So. 2d 239 (Fla. 1977).

³⁴ *Love v. State*, 286 So. 3d 177, 183 (Fla. 2019) quoting *Caple v. Tuttle’s Design-Build, Inc.*, 753 So. 2d 49, 53 (Fa. 2000).

³⁵ *Love* at 184.

³⁶ *R.A.M. of South Florida, Inc. v. WCI Communities, Inc.*, 869 So. 2d 1210 (Fla 2004).

³⁷ *Ziccardi v. Strother*, 580 So. 2d 1319 (Fla. 1990).

³⁸ *Stein v. Miller Industries, Inc.*, 564 So. 2d 539 (Fla. 4th DCA 1990).

³⁹ *Walker & LaBerge, Inc. v. Halligan*, 344 So. 2d 239, 243 (Fla. 1977).

⁴⁰ *Love*, supra.

III. Effect of Proposed Changes:

SB 72 provides heightened liability protections against COVID-19-related claims due to the threat of unknown and potentially unbounded liability claims that may arise from the pandemic. The protections are extended widely to all persons, businesses, or other entities except for healthcare providers.

WHEREAS Clauses

According to the “Whereas Clauses” the State continues to operate under a declared state of emergency, but one in which Floridians must be allowed to earn a living and support their families, and one in which businesses are encouraged to operate safely and contribute to the state’s success, well-being, and economic recovery. Because the Legislature recognizes the significant risks that businesses, entities, and institutions accept to provide services to the public during the pandemic, the Legislature is willing to extend protections to alleviate liability concerns, while continuing to provide for the public health. The final clause notes that the Legislature finds that the unprecedented nature of the COVID-19 pandemic, and the indefinite legal environment that has followed, require swift and decisive action.

Legislative Findings

According to the legislative findings, the creation of heightened legal protections is necessary to reduce the threat of unlimited liability and legal exposure for businesses, educational institutions, governmental entities, and religious institutions as they seek to recover and contribute to the well-being of the state. The legislative findings conclude that there are no alternative means to meet this public necessity of providing legal protections caused by the sudden and unprecedented nature of the COVID-19 pandemic. Therefore, the public interest, as a whole, is best served by providing relief to these entities so that they may remain viable and contribute to the economic recovery of the state.

Legislative findings have a unique place in case law. The Florida Supreme Court has determined that they are to be given great weight. In the case of *University of Miami v. Echarte* case, the Court stated that “legislative determinations of public purpose and facts are presumed correct and entitled to deference, unless clearly erroneous.”⁴¹ The Court reflected on the *Kluger* decision and referred to its test. The Court also examined whether the Legislature expressly found that no alternative or less onerous method existed, thereby establishing a necessary requirement.

Pursuing a COVID-19 –Related Claim

A COVID-19-related Claim Defined and Who is Protected Under the Bill

A COVID-19-related claim is defined as a civil liability claim for damages, injury, or death that arises from, or is related to, COVID-19.⁴² The bill provides protections for any civil liability

⁴¹ *University of Miami v. Echarte*, 618 So. 2d 189, 196 (Fla. 1993).

⁴² A “COVID-19-related claim” is defined as” a civil liability claim against a person, including a natural person, a business entity, an educational institution, a governmental entity, or a religious institution which arises from or is related to COVID-19, otherwise known as the novel coronavirus. The term includes any such claim for damages, injury, or death. Any such claim, no matter how denominated, is a COVID-19 related claim for purposes of this section. The term does not include a

claim against a person,⁴³ a natural person, business entity, including certain charitable organizations and non-profits, a public or non-public educational institution, a governmental entity, or a religious institution. Although the bill extensively defines what or who a healthcare provider is, healthcare providers are excluded from the liability protections established by the bill. The bill provides definitions for an educational institution, governmental entity, healthcare provider, and a religious institution.

Preliminary Procedures for a Plaintiff

The bill requires two preliminary steps from a plaintiff. In each civil action for a COVID-19-related claim, a plaintiff must:

- Set forth the pleadings with particularity; and
- Provide, at the same time that the complaint is filed, an affidavit signed by a physician, stating that the plaintiff's COVID-19-related claim for damages, injury, or death was caused by the defendant's acts or omissions. The physician who submits an affidavit must be actively licensed in the state. Additionally, the physician must state that it is his or her belief, within a reasonable degree of medical certainty, that the plaintiff's COVID-related damages, injury, or death occurred as a result of the defendant's acts or omissions.

These preliminary procedures are similar to the pre-suit investigation requirements for a claimant filing a medical malpractice claim. According to s. 766.104(1), F.S., the attorney filing the action must make a reasonable investigation to determine that there are grounds for a good-faith belief that negligence has occurred in the care or treatment of the claimant. The complaint or initial pleading must contain a certificate of counsel stating that a reasonable investigation supported the belief that there are grounds for an action against the defendant. Good faith may be demonstrated if the claimant or counsel has received a written opinion from an expert that there appears to be evidence of medical negligence. If the court determines that the certificate was not made in good faith and that there is no justiciable issue presented against the health care provider, the court must award attorney fees and taxable costs against the claimant's counsel and must submit the matter to The Florida Bar for disciplinary review against the attorney.

The Court's Responsibilities

Before a trial may proceed, a court must determine whether:

- The plaintiff submitted a complaint that was pled with particularity; and
- The physician's affidavit complied with the necessary requirements.

If the plaintiff did not meet these two requirements, the court must dismiss the case *without* prejudice, meaning that the plaintiff is not prohibited from correcting deficiencies and refile the claim.

claim against a healthcare provider, regardless of whether the healthcare provider meets one or more of the definitions in this subsection."

⁴³ A "person" is broadly defined in the statutes to include individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations. Section 1.01(3), F.S.

The court must also determine whether a defendant made a good faith effort to substantially comply with authoritative or controlling government-issued health standards or guidance at the time that the cause of action accrued. At this stage of the proceeding, the only admissible evidence is limited to evidence pertinent to whether the defendant made a good faith effort to comply with the health standards of guidance.

If the court decides that the defendant met the good faith compliance burden, the defendant is immune from civil liability and the proceeding ends. However, if the court determines that the defendant did not make a good faith effort, the plaintiff may proceed. In order to prevail, the plaintiff must demonstrate that the defendant acted with at least gross negligence which is proven by clear and convincing evidence. If these two burdens are not met, the defendant will not be held liable for an act or omission pertaining to a COVID-19-related claim. The plaintiff bears the burden of proving that the defendant did not make a good faith effort to substantially comply with the authoritative or controlling government-issued health standards or guidance that were in place at the time the action accrued.

The Plaintiff's Burden to Prove Gross Negligence by the Clear and Convincing Standard

As discussed above in the "Present Situation" gross negligence is defined as the type of conduct that a reasonably prudent person knows will probably and most likely result in an injury to another person. Under this standard, a plaintiff will need to prove that the defendant's conduct was grossly negligent, meaning that the likelihood of injury to another person was known by the defendant to be imminent.

The plaintiff will need to demonstrate gross negligence by the "clear and convincing" standard of evidence. This is applied less often in civil cases and is a higher standard of proof than the greater weight of the evidence standard. To meet this standard, the plaintiff must provide evidence that is credible, that is remembered distinctly by the witness, and must be so strong that the trier of fact has a firm conviction, without hesitation, that the allegations are true.

Taken together, a plaintiff has high burdens to prevail in a COVID-19-related claim.

Statute of Limitations

SB 72 requires a plaintiff to bring a civil action within 1 year after the cause of action accrues. Generally, a negligence action must be brought within 4 years after a cause of action accrues. Therefore, this bill reduces the amount of time that a plaintiff has to bring an action. If, however, the cause of action accrues before the effective date of the bill, which is the date it becomes law, the plaintiff has one year from the effective date of the bill to bring a claim. While this could be a reduction in the amount of time that a plaintiff has to bring a COVID-19-related claim, there is precedent for this. Court opinions have held that a reduction in the statute of limitations is not unconstitutional if the claimant is given a reasonable amount of time to file the action.⁴⁴

⁴⁴ *Foley v. Morris*, 339 So. 2d 215 (Fla. 1976).

Retroactive Application

This act takes effect upon becoming a law and applies retroactively. The bill applies retroactively to actions filed after the effective date of the bill even if the action accrued before the effective date. The bill, however, does not apply to a claim that is filed against a particularly named defendant before the effective date of the bill.

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 identified.

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

None.

B. Private Sector Impact:

The Florida Bar submitted a brief response on the Agency Bill Analysis Request form and stated that it had not identified any fiscal impact with the proposed legislation. The response also stated that The Florida Bar would not be providing an analysis for the bill and does not have an official legislative position for the proposed legislation.⁴⁵

C. Government Sector Impact:

The Office of the State Courts Administrator states that the bill's impact on the judicial workload cannot be quantified with data that is currently available. The analysis stated, however, that the bill is not anticipated to create a significant increase to the judicial workload. The analysis did note that the Rules of Civil Procedure and jury instructions

⁴⁵ The Florida Bar, *SB 72 Analysis*, (Jan. 12, 2021) <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=26516&yr=2021>.

might need to be reviewed and revised to make certain that they accommodate the new procedures created in the bill. The analysis also stated that the additional requirements for plaintiffs could result in fewer COVID-19-related cases being filed, possibly reducing revenues from civil filing fees, but there is not enough information to accurately determine this.⁴⁶

The Justice Administrative Commission is currently working on an analysis but it has not been released yet.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates s. 768.38 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁴⁶ Office of the State Courts Administrator, *2021 Judicial Impact Statement, SB 72* (Jan. 21, 2021) <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=31076>.

By Senator Brandes

24-00824B-21

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1 A bill to be entitled
2 An act relating to civil liability for damages
3 relating to COVID-19; creating s. 768.38, F.S.;
4 providing legislative findings and intent; defining
5 terms; providing requirements for a civil action based
6 on a COVID-19-related claim; providing that the
7 plaintiff has the burden of proof in such action;
8 providing a statute of limitations; providing
9 severability; providing retroactive applicability;
10 providing an effective date.

11
12 WHEREAS, on March 9, 2020, Governor Ron DeSantis issued
13 Executive Order Number 20-52 declaring a state of emergency for
14 the State of Florida due to the COVID-19 pandemic, and

15 WHEREAS, in light of the ongoing nature of the COVID-19
16 pandemic, the Governor has repeatedly extended the state of
17 emergency, including most recently on December 29, 2020, in
18 Executive Order Number 20-316, and

19 WHEREAS, the State of Florida continues under a declared
20 state of emergency, and

21 WHEREAS, throughout the declared state of emergency, the
22 Governor's executive orders included industry-specific
23 restrictions to prevent the spread of COVID-19 based on the best
24 information available at the time, allowing and encouraging
25 certain businesses to continue to safely operate, and

26 WHEREAS, a strong and vibrant economy is essential to
27 ensure that Floridians may continue in their meaningful work and
28 ultimately return to the quality of life they enjoyed before the
29 COVID-19 outbreak, and

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30 WHEREAS, Floridians must be allowed to earn a living and
31 support their families without unreasonable government
32 intrusion, and

33 WHEREAS, the Governor's responsible reopening strategy
34 allowed businesses to continue to safely operate, bolstering
35 consumer confidence, while also enforcing reasonable
36 restrictions, and

37 WHEREAS, the Legislature recognizes that certain
38 businesses, entities, and institutions operating within the
39 state are essential to the state's continuing success and well-
40 being, and

41 WHEREAS, the Legislature recognizes that many businesses,
42 entities, and institutions accept significant risk in order to
43 provide their services to the public, and

44 WHEREAS, the Legislature further recognizes that the threat
45 of frivolous and potentially limitless civil liability,
46 especially in the wake of a pandemic, causes businesses,
47 entities, and institutions to react in a manner detrimental to
48 the state's economy and residents, and

49 WHEREAS, the Legislature recognizes that practical, bright-
50 line guidance protecting prudent businesses, entities, and
51 institutions significantly alleviates such liability concerns,
52 while also continuing to provide for the public health, and

53 WHEREAS, the Legislature finds that the unprecedented and
54 rare nature of the COVID-19 pandemic, together with the
55 indefinite legal environment that has followed, requires the
56 Legislature to act swiftly and decisively, NOW, THEREFORE,

57
58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 768.38, Florida Statutes, is created to read:

768.38 Liability protections for COVID-19-related claims.-

(1) The Legislature finds that the COVID-19 outbreak in the state threatens the continued viability of certain business entities, educational institutions, governmental entities, and religious institutions that contribute to the overall well-being of the state. The threat of unknown and potentially unbounded liability to such businesses, entities, and institutions, in the wake of a pandemic that has already left many of these businesses, entities, and institutions vulnerable, has created an overpowering public necessity to provide an immediate and remedial legislative solution. Therefore, the Legislature intends for certain business entities, educational institutions, governmental entities, and religious institutions to enjoy heightened legal protections against liability as a result of the COVID-19 pandemic. The Legislature also finds that there are no alternative means to meet this public necessity, especially in light of the sudden, unprecedented nature of the COVID-19 pandemic. The Legislature finds the public interest as a whole is best served by providing relief to these businesses, entities, and institutions so that they may remain viable and continue to contribute to the state.

(2) As used in this section, the term:

(a) "Business entity" has the same meaning as provided in s. 606.03. The term also includes a charitable organization as defined in s. 496.404 and a corporation not for profit as defined in s. 617.01401.

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88 (b) "COVID-19-related claim" means a civil liability claim
89 against a person, including a natural person, a business entity,
90 an educational institution, a governmental entity, or a
91 religious institution which arises from or is related to COVID-
92 19, otherwise known as the novel coronavirus. The term includes
93 any such claim for damages, injury, or death. Any such claim, no
94 matter how denominated, is a COVID-19-related claim for purposes
95 of this section. The term does not include a claim against a
96 healthcare provider, regardless of whether the healthcare
97 provider meets one or more of the definitions in this
98 subsection.

99 (c) "Educational institution" means a school, including a
100 preschool, elementary school, middle school, junior high school,
101 secondary school, career center, or postsecondary school,
102 whether public or nonpublic.

103 (d) "Governmental entity" means the state or any political
104 subdivision thereof, including the executive, legislative, and
105 judicial branches of government; the independent establishments
106 of the state, counties, municipalities, districts, authorities,
107 boards, or commissions; or any agencies that are subject to
108 chapter 286.

109 (e) "Healthcare provider" means:

110 1. A provider as defined in s. 408.803.

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

116 3. A federally qualified health center as defined in 42

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117 U.S.C. s. 1396d(1)(2)(B), as that definition exists on the
118 effective date of this act.

119 4. Any site providing health care services which was
120 established for the purpose of responding to the COVID-19
121 pandemic pursuant to any federal or state order, declaration, or
122 waiver.

123 5. A health care practitioner as defined in s. 456.001.

124 6. A health care professional licensed under part IV of
125 chapter 468.

126 7. A home health aide as defined in s. 400.462(15).

127 (f) "Religious institution" has the same meaning as
128 provided in s. 496.404.

129 (3) In a civil action based on a COVID-19-related claim:

130 (a) The complaint must be pled with particularity.

131 (b) At the same time the complaint is filed, the plaintiff
132 must submit an affidavit signed by a physician actively licensed
133 in the state which attests to the physician's belief, within a
134 reasonable degree of medical certainty, that the plaintiff's
135 COVID-19-related damages, injury, or death occurred as a result
136 of the defendant's acts or omissions.

137 (c) The court must determine, as a matter of law, whether:

138 1. The plaintiff complied with paragraphs (a) and (b). If
139 the plaintiff did not comply with paragraphs (a) and (b), the
140 court must dismiss the action without prejudice.

141 2. The defendant made a good faith effort to substantially
142 comply with authoritative or controlling government-issued
143 health standards or guidance at the time the cause of action
144 accrued.

145 a. During this stage of the proceeding, admissible evidence

24-00824B-21

202172__

146 is limited to evidence tending to demonstrate whether the
147 defendant made such a good faith effort.

148 b. If the court determines that the defendant made such a
149 good faith effort, the defendant is immune from civil liability.

150 c. If the court determines that the defendant did not make
151 such a good faith effort, the plaintiff may proceed with the
152 action. However, absent at least gross negligence proven by
153 clear and convincing evidence, the defendant is not liable for
154 any act or omission relating to a COVID-19-related claim.

155 (d) The burden of proof is upon the plaintiff to
156 demonstrate that the defendant did not make a good faith effort
157 under subparagraph (c)2.

158 (4) A civil action for a COVID-19-related claim must be
159 commenced within 1 year after the cause of action accrues.
160 However, a plaintiff whose cause of action for a COVID-19-
161 related claim accrued before the effective date of this act must
162 commence such action within 1 year of the effective date of this
163 act.

164 Section 2. If any provision of this act or its application
165 to any person or circumstance is held invalid, the invalidity
166 does not affect other provisions or applications of the act
167 which can be given effect without the invalid provision or
168 application, and to this end the provisions of this act are
169 severable.

170 Section 3. This act shall take effect upon becoming a law
171 and shall apply retroactively. However, the provisions of this
172 act shall not apply in a civil action against a particularly
173 named defendant which is commenced before the effective date of
174 this act.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25
Meeting Date

72
Bill Number (if applicable)

Topic Civil liability for damages relating to COVID-19

Amendment Barcode (if applicable)

Name Jimmy Patronis

Job Title Chief Financial Officer

Address PL 17, The Capitol
Street

Phone (850) 413-2890

Tallahassee FL 32399
City State Zip

Email CFUPatronis@myflorida
CFO.com

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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/25/2021

72

Meeting Date

Bill Number (if applicable)

Topic Civil Liability for Damages Related to Covid-19

Amendment Barcode (if applicable)

Name Ron Book

Job Title

Address 104 West Jefferson Street

Phone (850) 224-3427

Street

Tallahassee, FL 32301

Email ron@rlbookpa.com

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Auto Nation

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25

Meeting Date

SB 72

Bill Number (if applicable)

Topic Liability

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe

Phone _____

Street

Tallahassee

FL

32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Florida AFL-CIO

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 the Senator or Senate Professional Staff conducting the meeting)

1/25/21

Meeting Date

72

Bill Number (if applicable)

Topic COVID-19 Liability

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Phone 224-7173

Street

Tallahassee

FL

32301

Email bbevis@aif.com

City

State

Zip

Speaking: For Against Information

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

Representing Associated Industries of Florida

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 the Senator or Senate Professional Staff conducting the meeting)

1-28-21
Meeting Date

72
Bill Number (if applicable)

Topic Covid Liability for Businessmen

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title Ms

Address 625 E. Brevard St
Street

Phone 850-251-4282

Tallahassee FL 32308
City State Zip

Email barbadevane1@yahoo.com

Speaking: For Against Information

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

Representing FL NOW

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/21
Meeting Date

72
Bill Number (if applicable)

Topic Covid 19 Liability

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title General Counsel

Address 230 S. Adams St. Ste. 200

Phone 850-528-5006

Tallahassee FL 32311
City State Zip

Email spadgett@flra.org

Speaking: For Against Information

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

Representing Florida Restaurant and 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

01.25.21

72

Meeting Date

Bill Number (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Amendment Barcode (if applicable)

Name William Large

Job Title President

Address 210 South Monroe Street

Phone 850-222-0170

Street

Tallahassee

FL

32301

Email William@fljustice.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice Reform Institute

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/21

Meeting Date

SB72

Bill Number (if applicable)

Topic COVID LIABILITY

Amendment Barcode (if applicable)

Name LAKEN LOVE

Job Title _____

Address 1511 MELVIN ST
Street

Phone 850-348-0018

Tallahassee FL 32301
City State Zip

Email laken@lovejustworks.com

Speaking: For Against Information

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

Representing Florida Policy Action Network

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/2021

Meeting Date

72

Bill Number (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Amendment Barcode (if applicable)

Name Jake Farmer

Job Title Director of Government Affairs

Address 227 S Adams Street

Phone 352-359-6835

Street

Tallahassee

FL

32301

Email jake@frf.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Retail Federation

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/25/21

SB 72

Meeting Date

Bill Number (if applicable)

Topic Civil Liability Damages

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Job Title Policy Director

Address 126 N. Mills Ave

Phone _____

Street

Oberlin

FL

32801

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Rising

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

11/25/21

Meeting Date

72

Bill Number (if applicable)

Topic COVID-19 Liability

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 1300 S Bronough St

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing FL Chamber of Commerce

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 the Senator or Senate Professional Staff conducting the meeting)

1-25-21

Meeting Date

72

Bill Number (if applicable)

Topic Covid Liability Protection

Amendment Barcode (if applicable)

Name BILL HERMLE

Job Title Exec. Director

Address _____

Phone 850 728 7356

Street

Email bill.hermler@nfib.org

City

State

Zip

Speaking: For Against Information

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

Representing NFIB

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/2021

Meeting Date

SB 72

Bill Number (if applicable)

Topic Covid-10 Liability

Amendment Barcode (if applicable)

Name Stephen F. Cain

Job Title Attorney

Address One Southeast Third Avenue

Phone 305-358-6644

Street

Miami

FL

33131

Email scain@stfblaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice 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.

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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)

1/25/2021

Meeting Date

72

Bill Number (if applicable)

Topic Covid Liability

Amendment Barcode (if applicable)

Name David Cruz

Job Title Legislative Counsel

Address PO Box 1757

Phone 850-701-3676

Street

Tallahassee

FL

32301

Email dcruz@flcities.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida League of Cities, Inc.

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 the Senator or Senate Professional Staff conducting the meeting)

01/25/2021

Meeting Date

72

Bill Number (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Amendment Barcode (if applicable)

Name Jenn Ungru

Job Title _____

Address 106 E college Ave

Phone 8509994100

Street

Tallahassee

FL

32301

Email juungru@deanmead.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Association of RV Parks and Campgrounds

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 the Senator or Senate Professional Staff conducting the meeting)

01/25/2021

Meeting Date

72

Bill Number (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Amendment Barcode (if applicable)

Name Angela Bonds

Job Title _____

Address 106 E college Ave

Phone 8509994100

Street

Tallahassee

FL

32301

Email abonds@deanmead.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Recreational Vehicle Trade 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.

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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)

1/25/2021

Meeting Date

72

Bill Number (if applicable)

Topic COVID Liability

Amendment Barcode (if applicable)

Name Debbie Mortham

Job Title Advocacy Director

Address 216 S. Monroe St., Ste. 420

Phone 850-391-4090

Street

Tallahassee

FL

32301

Email Debbie@afloridapromise.org

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Foundation for Florida's Future

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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THE FLORIDA SENATE
APPEARANCE RECORD

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

Jan 25, 2021

Meeting Date

SB 72

Bill Number (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Amendment Barcode (if applicable)

Name Susan McGrath

Job Title Executive Director

Address 740 4th Street N Box 236

Phone 727-327-2400

Street

St. Petersburg

FL

337001

Email susan@fcan.org

City

State

Zip

Provided written testimony

Speaking: For Against Information

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

Representing Florida Consumer Action Network and Florida PIRG

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 the Senator or Senate Professional Staff conducting the meeting)

1-25-2021

Meeting Date

72

Bill Number (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Amendment Barcode (if applicable)

Name Spencer Pylant

Job Title Vice President of Government Affairs

Address 1601 Biscayne Blvd., Ballroom Level

Phone 305-577-5421

Street

Miami

Florida

33130

Email spylant@miamichamber.com

City

State

Zip

Speaking: For Against Information

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

Representing Greater Miami Chamber of Commerce

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

January 25, 2021

Meeting Date

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

72

Bill Number (if applicable)

Topic Civil liability related to Covid

Amendment Barcode (if applicable)

Name BillieAnne Gay

Job Title Director of Advocacy & Legislative Services

Address 203 s monroe st

Street

Phone _____

tallahassee

fl

32301

Email gay@fsba.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida School Boards Association (FSBA)

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 the Senator or Senate Professional Staff conducting the meeting)

1/25/21
Meeting Date

72
Bill Number (if applicable)

Topic Civil Liability

Amendment Barcode (if applicable)

Name Danielle Sedgins

Job Title Public Policy

Address 200 S. Monroe St.

Phone 850 224-1400

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing FLORIDA REALTORS

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

25 Jan 2021
Meeting Date

SB 72
Bill Number (if applicable)

Topic Civil Liability For Covid-19

Amendment Barcode (if applicable)

Name DIEGO ECHEVERRI

Job Title Legislative Liaison

Address 200 W College Ave

Phone 954-614-3363

Street

JLH
City

FL
State

33212
Zip

Email decheverri@afphg.org

Speaking: For Against Information

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

Representing Americans For Prosperity

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.

THE FLORIDA SENATE

APPEARANCE RECORD

01/25/2021

Meeting Date

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

72

Bill Number (if applicable)

Topic Civil Liability for Damages Related to Covid-19

Amendment Barcode (if applicable)

Name Kelly Mallette

Job Title

Address 104 West Jefferson Street

Phone (850) 224-3427

Street

Tallahassee

FL

32301

Email kelly@rlbookpa.com

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Apartment Association

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] 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.

Dave Sunday

THE FLORIDA SENATE
APPEARANCE RECORD

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

JAN 25 2021

Meeting Date

SB 72

Bill Number (if applicable)

Topic Civil Liability for Drugs Related to Child

Amendment Barcode (if applicable)

Name Dave Sunday

Job Title Retired Commercial Cleanup Corporate Owner

Address 676 Wintergreen Dr Phone 352 805 6597

Street

Phone

City

State

Zip

Email goldendave1955@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing Self & Many Others

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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/21

Meeting Date

72

Bill Number (if applicable)

446882

Amendment Barcode (if applicable)

Topic COVID-19 Liability

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 224-7173

Email bbevis@aif.com

Speaking: For Against Information

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

Representing Associated Industries of Florida

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)

01.25.21

Meeting Date

72

Bill Number (if applicable)

446882

Amendment Barcode (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Name William Large

Job Title President

Address 210 South Monroe Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-222-0170

Email William@fljustice.org

Speaking: For Against Information

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

Representing Florida Justice Reform Institute

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 the Senator or Senate Professional Staff conducting the meeting)

1/25/2021

Meeting Date

SB 72

Bill Number (if applicable)

446882

Amendment Barcode (if applicable)

Topic Covid-10 Liability

Name Stephen F. Cain

Job Title Attorney

Address One Southeast Third Avenue

Phone 305-358-6644

Street

Miami

FL

33131

Email scain@stfblaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice 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)

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/2021

Meeting Date

SB 72

Bill Number (if applicable)

254800

Amendment Barcode (if applicable)

Topic Covid-10 Liability

Name Stephen F. Cain

Job Title Attorney

Address One Southeast Third Avenue

Street

Phone 305-358-6644

Miami

FL

33131

Email scain@stfbllaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

Jan 25, 2021

Meeting Date

SB 72

Bill Number (if applicable)

254800

Amendment Barcode (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Name Susan McGrath

Job Title Executive Director

Address 740 4th Street N Box 236

Street

St. Petersburg

City

FL

State

337001

Zip

Phone 727-327-2400

Email susan@fcan.org

Provided written testimony

Speaking: For Against Information

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

Representing Florida Consumer Action Network and Florida PIRG

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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THE FLORIDA SENATE APPEARANCE RECORD

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

01.25.21

Meeting Date

72

Bill Number (if applicable)

254800

Amendment Barcode (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Name William Large

Job Title President

Address 210 South Monroe Street

Phone 850-222-0170

Street

Tallahassee

FL

32301

Email William@fljustice.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice Reform Institute

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/21

Meeting Date

72

Bill Number (if applicable)

254800

Amendment Barcode (if applicable)

Topic COVID-19 Liability

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 224-7173

Email bbevis@aif.com

Speaking: For Against Information

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

Representing Associated Industries of Florida

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

01.25.21

Meeting Date

72

Bill Number (if applicable)

967620

Amendment Barcode (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Name William Large

Job Title President

Address 210 South Monroe Street

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-222-0170

Email William@fljustice.org

Speaking: For Against Information

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

Representing Florida Justice Reform Institute

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 the Senator or Senate Professional Staff conducting the meeting)

1/25/2021

Meeting Date

SB 72

Bill Number (if applicable)

967620

Amendment Barcode (if applicable)

Topic Covid-10 Liability

Name Stephen F. Cain

Job Title Attorney

Address One Southeast Third Avenue

Street

Miami

City

FL

State

33131

Zip

Phone 305-358-6644

Email scain@stfblaw.com

Speaking: [X] For [] Against [] Information

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

Representing Florida Justice Association

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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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THE FLORIDA SENATE
APPEARANCE RECORD

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1/25/21

Meeting Date

72

Bill Number (if applicable)

967620

Amendment Barcode (if applicable)

Topic COVID-19 Liability

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 224-7173

Email bbevis@aif.com

Speaking: For Against Information

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

Representing Associated Industries of Florida

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 the Senator or Senate Professional Staff conducting the meeting)

1/25/21

Meeting Date

SB 72

Bill Number (if applicable)

581764

Amendment Barcode (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Name TOBY PHILPOT

Job Title Chief Lobbyist

Address 307 W. Park Avenue

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-224-3907

Email tphilpot@fhca.org

Speaking: For Against Information

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

Representing Florida Health Care 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.

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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)

1/25/2020
Meeting Date

SB72
Bill Number (if applicable)

581764
Amendment Barcode (if applicable)

Topic Workers Compensation

Name Mark Delegal

Job Title Retained Counsel

Address 201 East Park Av #200B Phone 850583-2400
Street

TLH FL 32301 Email _____
City State Zip

Speaking: For Against Information

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

Representing Florida Justice Reform ~~Center~~ Institute

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/21

Meeting Date

72

Bill Number (if applicable)

581764

Amendment Barcode (if applicable)

Topic COVID-19 Liability

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 224-7173

Email bbevis@aif.com

Speaking: For Against Information

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

Representing Associated Industries of Florida

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 the Senator or Senate Professional Staff conducting the meeting)

1/25

Meeting Date

SB 72

Bill Number (if applicable)

SB1764

Amendment Barcode (if applicable)

Topic _____

Name DAVID MICA, JR

Job Title Exec. Vice President of Public Affairs

Address _____

Street

Phone 352

City

State

Zip

Email DAVIDM@FHA.ORG

Speaking: For Against Information

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

Representing Florida Hospital 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.

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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)

1/25/21

Meeting Date

SB 72

Bill Number (if applicable)

581764

Amendment Barcode (if applicable)

Topic Civil Liability for Damages Relating to COVID-19

Name TOBY PHILPOT

Job Title Chief Lobbyist

Address 307 W. Park Avenue

Phone 850-224-3907

Street

Tallahassee

FL

32301

Email tphilpot@fhca.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Health Care 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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/25/2021

Meeting Date

SB 72

Bill Number (if applicable)

581764

Amendment Barcode (if applicable)

Topic Covid-10 Liability

Name Stephen F. Cain

Job Title Attorney

Address One Southeast Third Avenue

Phone 305-358-6644

Street

Miami

FL

33131

Email scain@stfblaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice 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.

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CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 1/25/2021 2:31:46 PM

Ends: 1/25/2021 4:44:27 PM

Length: 02:12:42

2:32:46 PM Judiciary Meeting called to order by Senator Brandes
2:33:51 PM Roll call taken
2:34:34 PM Quorum present
2:34:50 PM Vice Chair Gibson
2:35:16 PM Vice Chair Gibson speaking on public testimony
2:35:30 PM Senator Brandes explains SB 72
2:35:52 PM Senator Brandes explains SB 72 on Civil Liability for Damages Related to COVID-19
2:38:56 PM Vice Chair Gibson
2:39:55 PM Vice Chair Gibson
2:39:55 PM Vice Chair Gibson
2:39:56 PM Senator Rouson with question
2:39:56 PM Vice Chair Gibson
2:39:56 PM Vice Chair Gibson
2:39:56 PM Vice Chair Gibson
2:40:25 PM Response from Senator Brandes
2:41:03 PM Follow up from Senator Rouson
2:42:05 PM Response from Senator Brandes
2:42:46 PM Question by Senator Thurston
2:43:24 PM Follow up by Senator Brandes
2:43:46 PM Follow up by Senator Thurston
2:44:38 PM Response from Senator Brandes
2:45:17 PM Follow up by Senator Thurston
2:45:26 PM Response from Senator Brandes
2:45:38 PM Follow up from Senator Thurston
2:46:15 PM Response from Senator Brandes
2:46:30 PM Follow up by Senator Thurston
2:47:06 PM Questions by Senator Broxson
2:47:19 PM Response by Senator Brandes
2:47:30 PM Follow up by Senator Broxson
2:47:40 PM Response by Senator Brandes
2:47:54 PM Questions by Senator Polsky
2:48:08 PM Response by Senator Brandes
2:48:23 PM Follow up from Senator Polsky
2:48:57 PM Response from Senator Brandes
2:49:28 PM Follow up from Senator Polsky
2:50:00 PM Response from Senator Brandes
2:50:28 PM Questions by Vice Chair Gibson
2:51:30 PM Response from Senator Brandes
2:53:02 PM Follow up by Senator Gibson
2:53:11 PM Response from Senator Brandes
2:54:43 PM Follow up by Vice Chair Gibson
2:55:07 PM Response from Senator Brandes
2:55:49 PM Response from Senator Brandes
2:56:20 PM Follow up by Senator Gibson
2:56:28 PM Response from Senator Brandes
2:57:14 PM Follow up by Senator Gibson
2:58:14 PM Response from Senator Brandes
2:58:32 PM Follow up by Senator Gibson
2:59:37 PM Response from Senator Brandes
2:59:50 PM Follow up by Senator Gibson
3:00:37 PM Response from Senator Brandes
3:01:08 PM Question by Senator Rouson

3:02:27 PM Question by Senator Rouson
3:02:27 PM Response by Senator Brandes
3:02:59 PM Amendments on SB 72
3:03:16 PM Amendment by Senator Polsky
3:03:35 PM Barcode #446882
3:04:27 PM Questions on the Amendment by Chair Brandes
3:05:26 PM Questions on the Amendment by Chair Brandes
3:05:27 PM Response by Senator Polsky
3:05:35 PM Response by Senator Polsky
3:05:47 PM Public Testimony
3:06:10 PM Public Testimony
3:06:22 PM Public Testimony
3:06:24 PM William Large, President Florida Justice
3:07:13 PM William Large, President Florida Justice Reform Institute
3:07:48 PM William Large, President Florida Justice Reform Institute - speaking against
3:08:39 PM Stephen Cain, Florida Justice Association - speaking against
3:09:41 PM Stephen Cain, Florida Justice Association - speaking against
3:10:52 PM Stephen Cain, Florida Justice Association - speaking for
3:11:03 PM Debate from Senator Brandes on Senator Polskys Amendment
3:12:49 PM Senator Polsky closes on her amendment
3:13:54 PM Roll call on Amendment
3:14:54 PM Amendment fails
3:15:31 PM Amendment fails
3:15:35 PM Take up Amendement by Senator Rouson, barcode #254800
3:16:19 PM Senator Rouson explains the amendment
3:17:14 PM Questions on amendment, barcode #254800
3:18:16 PM Debate on amendment
3:18:25 PM Debate by Senator Brandes
3:20:40 PM William Large, President Florida Justice Reform Institute - Speaking Against
3:24:21 PM Debate on Amendment by Vice Chair Gibson
3:26:20 PM Senator Rouson Closes on Amendment
3:26:39 PM Senator Rouson Closes on Amendment barcode #254800
3:27:43 PM Senator Rouson Closes on Amendment barcode #254800
3:27:46 PM Amendment not adopted
3:28:12 PM Amendment barcode # 967620 explained by Senator Polsky
3:29:17 PM Questions on amendment
3:29:53 PM Stephen Cain, Florida Justice Association - Speaking For
3:31:05 PM William Large, Florida Justice Reform Institute - Speaking Against
3:31:35 PM William Large, Florida Justice Reform Institute - Speaking Against
3:33:06 PM Debate on the amendment\
3:34:06 PM Debate on the amendment\
3:34:07 PM Senator Bandes opposes
3:34:42 PM Senator Polsky closes on amendment
3:37:36 PM Amendment not adopted
3:37:51 PM Amendment not adopted
3:37:55 PM Senator Thurston explains Amendment barcode #581764
3:38:56 PM Senator Thurston explains Amendment barcode #581764
3:42:25 PM Seantor Thurston withdrew amendment
3:43:25 PM Seantor Thurston withdrew amendment
3:43:27 PM Public Testimony on main bill
3:43:41 PM Public Testimony on main bill
3:43:41 PM Jimmy Patronis, CFO
3:43:59 PM Jimmy Patronis, CFO
3:44:25 PM Jimmy Patronis, CFO -Speaking for the Bill
3:45:16 PM Jimmy Patronis, CFO -Speaking for the Bill
3:49:56 PM Senator Thurston with questions for Jimmy Patronis, CFO
3:50:33 PM Senator Thurston with questions for Jimmy Patronis, CFO
3:50:33 PM Response from CFO Patronis
3:50:54 PM Follow up from Senator Thurston
3:51:54 PM Response from CFO Patronis
3:52:47 PM Response from CFO Patronis
3:53:37 PM Dr. Rich Templin, Florida AFL-CIO

3:54:38 PM Dr. Rich Templin, Florida AFL-CIO
3:56:09 PM Dr. Rich Templin, Florida AFL-CIO --Speaking Against bill
3:56:25 PM Dr. Rich Templin, Florida AFL-CIO --Speaking Against bill
3:58:34 PM Brewster Beivs, Associated Industries of Florida - Speaking in Support
3:59:28 PM Brewster Bevis, Associated Industries of Florida - Speaking in Support
4:01:21 PM Barbara Devane, FL Now - Speaking Against bill
4:04:56 PM Samatha Padgett, General Counsel- FL Resturant and Lodging Association
4:06:01 PM Samantha Padgett, General Counsel- FL Resturant and Lodging Association
4:06:30 PM Samantha Padgett, General Counsel- FL Resturant and Lodging Association - Speaking For
4:06:47 PM William Large, Florida Justice Reform Institute - Speaking for
4:09:02 PM Question from Senator Thurston
4:09:19 PM Response from Willam Large
4:09:35 PM Lakey Love, Florida Policy Action Network
4:10:19 PM Lakey Love, Florida Policy Action Network - Speaking Against
4:11:54 PM Jake Farmer, FL Retail Federation - Speaking For
4:13:44 PM Ida Eskamami, Florida Rising - Speaking against
4:15:21 PM Carolyn Johnson, FL Chamber of Commerce
4:16:07 PM Carolyn Johnson, FL Chamber of Commerce - Speaking Against
4:16:21 PM Carolyn Johnson, FL Chamber of Commerce - Speaking For (Corrected)
4:17:03 PM Bill Herrle, NFIB - Speaking For
4:19:09 PM Stephen Cain, FL Justice Association - Speaking Against
4:22:27 PM David Curz, Wave in support
4:22:54 PM David Curz, Wave in support
4:23:15 PM debate on the bill
4:24:48 PM Senator Thurston in debate on the bill
4:26:57 PM Senator Rouson in debate on the bill
4:27:04 PM Senator Rouson in debate on the bill
4:28:25 PM Senator Polsky remarks on the bill
4:29:24 PM Senator Polsky remarks on the bill
4:29:24 PM Senator Polsky remarks on the bill
4:29:25 PM Senator Polsky remarks on the bill
4:29:25 PM Senator Polsky remarks on the bill
4:32:38 PM Senator Baxley with remarks
4:34:45 PM Remarks by Senator Gibson
4:35:11 PM Remarks by Senator Gibson
4:38:02 PM Remarks by Senator Broxson
4:39:27 PM Chair Brandes closes on the bill
4:43:30 PM Roll call on bill
4:43:48 PM Bill reported favorably