

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Brandes, Chair
Senator Gibson, Vice Chair

MEETING DATE: Wednesday, February 10, 2021**TIME:** 9:00 a.m.—12:00 noon**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
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	SB 74 Brandes	COVID-19-related Claims Against Health Care Providers; Providing preliminary procedures for civil actions based on COVID-19-related claims; providing the standard of proof required at trial for such claims; providing immunity from liability for COVID-19-related claims under certain circumstances; requiring COVID-19-related claims to commence within a specified timeframe, etc. JU 02/10/2021 Favorable HP RC	Favorable Yeas 6 Nays 4
2	SB 78 Rodrigues	Dues and Uniform Assessments; Requiring that a public employee who desires to join an employee organization sign a membership authorization form; requiring an employee organization to revoke an employee's membership upon receipt of the employee's request for revocation; providing that certain deductions commence upon the employer's receipt and confirmation of the employee's signed deduction authorization form; specifying the time period that an employee's authorization to deduct dues and uniform assessments remains in effect, etc. GO 01/27/2021 Favorable JU 02/01/2021 Temporarily Postponed JU 02/10/2021 Fav/CS RC	Fav/CS Yeas 6 Nays 4

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 74

INTRODUCER: Senator Brandes

SUBJECT: COVID-19-related Claims Against Health Care Providers

DATE: February 9, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	Favorable
2.			HP	
3.			RC	

I. Summary:

SB 74 limits civil claims against health care providers related to the COVID-19 pandemic. The bill requires that the initial complaint in a COVID-19-related lawsuit be pled with particularity. The trial court must dismiss a case if not pled with particularity. The bill requires the claimant to prove that the health care provider was grossly negligent or engaged in intentional misconduct in failing to substantially comply with government health standards or guidance, in interpreting or applying the standards or guidance, or in the provision of a novel or experimental treatment. Additionally, a health care provider is immune from civil liability if supplies or personnel were not readily available to comply with the standards or guidance. A COVID-19-related claim against a health care provider must be commenced within 1 year.

The bill is effective upon becoming law and applies retroactively.

II. Present Situation:

In general, the purpose of the tort law is to compensate a person injured by the fault of another. It reflects society's general and common moral belief that we all should take reasonable steps not to harm our fellow humans and their property. The tort law is mostly common law, found by the judiciary and slowly developed and changed over centuries of practice to reflect the changing mores of the times. In modern times, tort law has been tweaked, modified, defined, and changed by statutory law, but remains in large part based on the common law.

COVID-19

The COVID-19 pandemic has affected the state of Florida in ways that were unimaginable 1 year ago. The toll on individuals, businesses, and the economy has been catastrophic. According to

the Department of Health, 1,744,619 positive COVID-19 cases have been diagnosed in the state, 73,266 residents have been hospitalized, and 27,019 Florida residents 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. Health care entities and professionals often scurried to provide appropriate responses based upon the information they received at any given time.

As health care 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 entities and professionals succeeding or failing as they attempt to emerge from the pandemic. One protection that has been offered is the provision of heightened legal immunity from COVID-19 claims to fend off meritless lawsuits, preserve scant resources, and encourage health care providers to continue to provide vital health care services.

COVID-19-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

¹ Florida Department of Health, Division of Disease Control and Health Protection, [Florida's COVID-19 Data and Surveillance Dashboard \(arcgis.com\)](https://www.floridahealth.gov/disease-control-and-health-protection/covid-19-data-and-surveillance-dashboard) (last visited Feb. 3, 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.

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/>.

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

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

Lawsuits Filed

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 federal claims are suits against cruise ship lines where passengers allege that they contracted the virus while on the cruise.

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

⁶ *Id.* at 2.

⁷ *Id.* at 3.

Legislative and Executive Responses of Other States

Currently, 34 states are known to have in place or have recently enacted some form of liability protection for health care entities and/or professionals related to the pandemic, through either legislation, executive order, or application of existing law.⁸

Tort Law - In General

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.⁹ 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 "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.¹⁰

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.¹¹

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.¹²

Under the Florida Rules of Civil Procedure, there is a limited group of allegations that must be pled with "particularity." These allegations include allegations of fraud, mistake, and a denial of performance or occurrence.¹³ Pleading with particularity means that the complaint must clearly and concisely set out the essential facts of the claim, and not just legal conclusions. The elements of the claim are required to be alleged with sufficient particularity so that the trial judge, in reviewing the ultimate facts alleged, may rule as a matter of law whether or not the facts alleged

⁸ American Tort Reform Assn., *Summary of COVID-19 Executive Orders and Enacted Legislation*, <https://www.atra.org/wp-content/uploads/2020/10/Summary-of-COVID-19-Executive-Orders-and-Enacted-Legislation-2.pdf> Data through December 17, 2020.

⁹ BLACK'S LAW DICTIONARY (11th ed. 2019).

¹⁰ Fla. Std. Jury Instr. Civil 401.3, *Negligence*.

¹¹ 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.

¹² Fla. R. Civ. P. 1.110.

¹³ Fla. R. Civ. P. 1.120(b) and (c).

are sufficient as the factual basis for the inferences the pleader seeks to draw and are sufficient to state a cause of action.¹⁴

Errors in the initial complaint are common. A defendant discovering such error will file a motion to dismiss in lieu of an answer. Where the trial court agrees with the defendant's motion to dismiss based on a defective complaint, the court must typically give the plaintiff the opportunity to file an amended complaint.¹⁵ An amended complaint does not require personal service and relates back in time to the filing of the original complaint for purposes of calculating a limitations period.¹⁶ A court-ordered dismissal of a lawsuit does not bar refiling of the case unless the court specifies that the dismissal is "with prejudice."

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.¹⁷ 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.¹⁸

However, both of these standards are lower than the "reasonable doubt" standard which is used in criminal prosecutions.¹⁹ 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.²⁰

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."²¹ 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

¹⁴ *Cedars Healthcare Grp., Ltd. v. Mehta*, 16 So. 3d 914, 917 (Fla. 3rd DCA 2009).

¹⁵ "Leave of court [to amend a pleading] shall be given freely when justice so requires." Fla. R. Civ. P. 1.190(a).

¹⁶ Fla. R. Civ. P. 1.190(c).

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

¹⁸ *Id.*

¹⁹ Thomas D. Sawaya, *Florida Personal Injury Law and Practice with Wrongful Death Actions*, s. 24.4 (2020).

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

²¹ Fla. Std. Jury Instr. 401.3, *Greater Weight of the Evidence*.

of the evidence. The greater weight of the evidence standard was formerly known the preponderance of the evidence standard.

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.²²

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.²³

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.²⁴

Gross Negligence and Intentional Misconduct

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.²⁵ In order for a plaintiff to succeed on a claim involving gross negligence, he or she must prove:

- Circumstances, which, when taken together, create a clear and present danger;
- Awareness that the danger exists; and
- A conscious, voluntary act or omission to act, that will likely result in an injury.^{26,27}

Intentional misconduct means that the defendant had actual knowledge of the wrongfulness of the conduct, that there was a high probability of injury or damage to the claimant and, despite that knowledge, the defendant intentionally pursued that course of conduct, resulting in injury or damage.²⁸

²² *Slomowitz v. Walker*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983); Sawaya, *supra* note 19.

²³ Sawaya, *supra* note 19, at s. 2:12.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Culpable negligence is a fourth degree of negligence but is not discussed in this analysis.

²⁸ Fla. Std. Jury Instr. 503.1, *Punitive Damages - Bifurcated Procedure*.

Tort Laws Applicable to COVID-19 Lawsuits against Health Care Providers and Professionals

There is no established tort law specific to claims related to the COVID-19 pandemic. Absent legislative action, it will take years before the appellate courts hear and resolve the outstanding cases related to COVID-19 in order to develop common law principals applicable to COVID-19. In a case involving tuberculosis, an airborne disease, one federal trial court has found that “negligent transmission of a contagious disease is not actionable under Florida common law.”²⁹ Absent current clear directions from the courts, there are two likely theories of common law negligence that are likely to be used by plaintiffs seeking damages from health care providers: premises liability and medical malpractice. It is also possible that a claim could be made on a contract theory.

Premises Liability

Premises liability refers to the duty of an individual or entity that owns or controls real property to reasonably operate and maintain such property for the safety of those who enter or remain on such property. There are different standards of negligence for premises liability based on the legal status of the injured party. However, in most cases related to health care providers the patient or client or supplier is a legal invitee, and so that standard is appropriate for discussion here. As to an invitee, a landowner or possessor is liable if he/she/it:

- Negligently failed to maintain the premises in a reasonably safe condition, or
- Negligently failed to correct a dangerous condition about which the defendant either knew or should have known, by the use of reasonable care, or
- Negligently failed to warn the claimant of a dangerous condition about which the defendant had, or should have had, knowledge greater than that of claimant; and, if so,
- Such negligence was a legal cause of loss, injury or damage.³⁰

Medical Negligence

Negligence of a medical provider is the failure to use reasonable care. Reasonable care on the part of a physician, hospital, or health care provider is that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by similar and reasonably careful physicians, hospitals or health care providers. Negligence on the part of a physician, hospital, or health care provider is doing something that a reasonably careful physician, hospital, or health care provider would not do under like circumstances or failing to do something that a reasonably careful physician, hospital, or health care provider would do under like circumstances.³¹

Procedures for the filing and prosecution of a medical negligence claim are found in ch. 766, F.S. One such requirement is that the plaintiff’s attorney certify that he or she has investigated the claim and found a good faith belief that grounds exist for an action against each named

²⁹ *Quezada v. Circle K Stores, Inc.*, No. 204CV190FTM33DNF, 2005 WL 1633717, at 2 (M.D. Fla. July 7, 2005) (convenience store patron contracted tuberculosis because store employee known to have tuberculosis was allowed to work).

³⁰ Fla. Std. Jury Instr. 401.20 *Issues On Plaintiff’s Claim — Premises Liability*.

³¹ Fla. Std. Jury Instr. 402.4 *Medical Negligence*.

defendant. A lawyer may support the good faith finding by way of a reviewing physician affidavit. The affidavit is not attached to the complaint or available in discovery.³²

Breach of contract is not a tort claim. The cause of action is similar, in that the injured party must show duty, breach and damages. In contract law, the parties have a relationship defined by a contract. The contract spells out the duties owed to one another, and the potential damages recoverable. However, duties beyond those specifically listed in the contract may be implied based on industry custom, regulation, or mutual understanding of the parties. So, for instance, it is unlikely that a nursing home contract would say how the nursing home would deal with the unique challenges of COVID-19. Still, most courts would find that a nursing home has the implied contractual duty to undertake commercially reasonable measures for infection control consistent with applicable laws and regulations, and as such a nursing home may be found to be in breach of contract for failing to do so.

Employee Tort Claims Against Their Employer

When an employee suffers a personal injury or death at work, it is often due the negligence of his or her employer or co-worker, or most commonly, the employee's own negligence. Worker's compensation laws do not care who is at fault. Under worker's compensation law, an injured employee's medical bills and (a portion of) lost wages are covered, regardless of fault but with a caveat: the employee may not file a traditional tort lawsuit against the employer or fellow employee except under very limited circumstances.

An employee may sue his or her employer in a traditional tort action only if one of these situations apply:

- The employer failed to have required worker's compensation coverage.³³
- The employer commits an intentional tort that causes the injury or death of the employee. An intentional tort is where:
 - The employer deliberately intended to injure the employee; or
 - The employer engaged in conduct that the employer knew, based on prior similar accidents or on explicit warnings specifically identifying a known danger, was virtually certain to result in injury or death to the employee, and the employee was not aware of the risk because the danger was not apparent and the employer deliberately concealed or misrepresented the danger so as to prevent the employee from exercising informed judgment about whether to perform the work.³⁴

An employee may sue a fellow employee only if one of these situations apply:

- The fellow employee acted with willful and wanton disregard, unprovoked physical aggression, or with gross negligence, and such acts result in injury or death; or
- The fellow employee is an employee of the same employer but each was assigned primarily to unrelated works within private or public employment.³⁵

³² Section 766.104, F.S.

³³ Section 440.11(1)(a), F.S.

³⁴ Section 440.11(1)(b), F.S.

³⁵ *Id.*

Limitations Periods

A limitations period is a limit upon the time that a plaintiff or petitioner has to file a complaint. Expiration of a limitations period is an absolute defense to the action. There are two forms of limitation periods, known as a statute of limitations and a statute of repose. A statute of limitations is a “law that bars claims after a specified period; . . . a statute establishing a time limit for suing in a civil case, based on the date when the claim accrued (as when the injury occurred or was discovered).”³⁶ A statute of limitations may be tolled, such tolling being commonly available to minors and incompetents. By contrast, a statute of repose is a “statute barring any suit that is brought after a specified time since the defendant acted (such as by designing or manufacturing a product), even if this period ends before the plaintiff has suffered a resulting injury.”³⁷ The expiration of either form of limitations is a bar to the case. The purpose of limitations periods is to require diligent prosecution of known claims, thereby providing finality and predictability in legal affairs and ensuring that claims will be resolved while evidence is reasonably available and fresh.

The statute of limitations for a general tort claim is 4 years from when the cause of action accrued.³⁸ There is no statute of repose applicable to general tort claims. The statute of limitations for a medical negligence action is 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence. The statute of repose for medical negligence is 4 years from the date of the incident or occurrence out of which the cause of action accrued, except that this 4-year period does not bar an action brought on behalf of a minor on or before the child’s 18th birthday. However, where fraud, concealment, or intentional misrepresentation of a medical provider can be shown the statute of limitations is 2 years from discovery, and the statute of repose is 7 years from the date of the incident.³⁹

III. Effect of Proposed Changes:

SB 74 creates s. 768.381, F.S., to govern COVID-19-related tort claims against health care providers.

WHEREAS Clauses

According to the “Whereas Clauses” the State is suffering from the outbreak of the novel coronavirus identified as COVID-19, a potentially deadly virus. A national emergency was declared on January 3, 2020, and a corresponding state emergency declared March 1, 2020. In that same month, federal guidelines first recommended the deferral of nonessential medical procedures to, in part, conserve critical health care resources. On March 20, 2020, the Governor in turn issued an executive order prohibiting certain non-urgent or non-emergency medical procedures. This order was modified on April 29, 2020, to allow such procedures, but only if the medical provider had adequate supplies of personal protective equipment. While still learning how to slow the spread of the virus and how to treat the afflicted, various measures have been

³⁶ BLACK’S LAW DICTIONARY (11th ed. 2019).

³⁷ *Id.*

³⁸ Section 95.11(3)(a), F.S.

³⁹ Section 95.11(4)(b), F.S.

taken by governments to regulate individuals, businesses, and health care providers. Health care providers have struggled to acquire adequate personal protective equipment and sufficient staffing levels. Health care providers are essential to the state's survival. Health care providers have stayed open despite the risks. Actions that seem reasonable during an emergency may be construed differently in hindsight. Health care providers facing the continuation of this pandemic should focus on patient care and not on the fear of unfounded lawsuits. The Legislature finds that there is an overpowering public necessity to enact legislation to deter unfounded lawsuits against health care providers, considering the extraordinary circumstances of this public health emergency.

Legislative findings are given great weight by the courts in determining the constitutionality of a law. The Florida Supreme Court ruled that "legislative determinations of public purpose and facts are presumed correct and entitled to deference, unless clearly erroneous."⁴⁰

Definitions

The term "COVID-19" is defined to mean the novel coronavirus identified as SARS-CoV-2; any disease caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom; and all conditions associated with the disease which are caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom.

The term "COVID-19-related claim" is defined to mean a civil liability claim, whether pled as negligence, breach of contract, or otherwise, against a health care provider which directly, indirectly, or in effect alleges that:

- The health care provider failed to follow clinical authoritative or government-issued health standards or guidance relating to COVID-19;
- The health care provider failed to properly interpret or apply the standards or guidance with respect to the provision of health care or related services, or lack thereof, or the allocation of scarce resources, or assistance with daily living;
- The health care provider was negligent in the provision of a novel or experimental COVID-19 treatment; or
- In the absence of applicable standards and guidance specific to COVID-19, the health care provider failed to follow clinical authoritative or government-issued health standards or guidance relating to infectious diseases in preventing the transmission of COVID-19 or in diagnosing or treating a person for COVID-19.

The term "government-issued health standards or guidance" means any of the following that are related to COVID-19 or other infectious diseases and that describe the manner in which a health care provider must operate at the time of the alleged act or omission:

- A federal, state, or local law, regulation, or ordinance;
- A written order or other document published by a federal, state, or local government or regulatory body;
- Standards or guidance issued by the Agency for Health Care Administration or the United States Centers for Disease Control and Prevention, the National Institutes of Health, the

⁴⁰ *University of Miami v. Echarte*, 618 So. 2d 189, 196 (Fla. 1993) (finding a medical malpractice tort reform constitutional).

United States Food and Drug Administration, or the Centers for Medicare and Medicaid Services; or

- Guidance issued by a clinical professional organization which was used by the Federal Government in developing a response to COVID-19.

The term “health care provider” includes the following entities and individuals:

- The following regulated entities:
 - Laboratories authorized to perform testing under the Drug-Free Workplace Act
 - Birth centers
 - Abortion clinics
 - Crisis stabilization units
 - Short-term residential treatment facilities
 - Residential treatment facilities
 - Residential treatment centers for children and adolescents
 - Hospitals
 - Ambulatory surgical centers
 - Nursing homes
 - Assisted living facilities
 - Home health agencies
 - Nurse registries
 - Companion services or homemaker services providers
 - Adult day care centers
 - Hospices
 - Adult family-care homes
 - Homes for special services
 - Transitional living facilities
 - Prescribed pediatric extended care centers
 - Home medical equipment providers
 - Intermediate care facilities for persons with developmental disabilities
 - Health care services pools
 - Health care clinics
 - Organ, tissue, and eye procurement organizations
- A federally-certified clinical laboratory providing services in this state or services to health care providers in this state
- A federally qualified health center
- Any site providing health care services which was established for the purpose of responding to the COVID-19 pandemic pursuant to any federal or state order, declaration, or waiver
- A health care practitioner, which means individuals practicing in the following professions:
 - Acupuncture
 - Medicine (Physician)
 - Osteopathy (Osteopathic Physician)
 - Chiropractic
 - Podiatry
 - Naturopathy
 - Optometry
 - Nursing
 - Pharmacy

- Dentistry, including dental hygienists and dental labs
- Midwifery
- Speech-Language Pathology and Audiology
- Nursing Home Administration
- Occupational Therapy
- Respiratory Therapy
- Dietetics and Nutrition Practice
- Athletic Trainers
- Orthotics, Prosthetics and Pedorthics
- Electrolysis
- Massage
- Clinical Laboratory Personnel
- Medical Physicists
- Dispensing of Optical Devices
- Dispensing of Hearing Aids
- Physical Therapy
- Psychological Services
- Clinical, Counseling and Psychotherapy Services
- Radiology
- A Home Health Aide

Procedural Requirements

The bill requires that a complaint in a civil action against a health care provider based on a COVID-19-related claim must be pled with particularity. The complaint must allege facts supporting the claim in sufficient detail to support each element of the claim. Where the complaint does not meet this standard, the case must be dismissed.

The bill does not specify how the courts should treat this dismissal. If the courts treat this like a dismissal for failure to state a cause of action upon which relief may be granted, the dismissal would ordinarily be with leave to amend.⁴¹ However, while there is no magic number of attempts at crafting an amended complaint, a trial court may find that dismissal with prejudice is warranted where the plaintiff has made repeated failing attempts at properly crafting a complaint and the complaint clearly cannot be fixed.⁴²

The bill specifies that a physician's affidavit (a provision in the mandatory pre-suit investigation in a medical negligence action) is not required for a claim under this section.

Standard of Proof Required for Claim

The bill requires a plaintiff to prove negligence "by the greater weight of the evidence." This is the standard of proof required in most civil actions.

⁴¹ Fla. R. Civ. P. 1.190(a) (Leave of court to amend shall be given freely when justice so requires).

⁴² *Kohn v. City of Miami Beach*, 611 So. 2d 538, 539 (Fla. Dist. Ct. App. 1992) ("as an action progresses, the privilege of amendment progressively decreases to the point that the trial judge does not abuse his [or her] discretion in dismissing with prejudice.")

Liability Standard and Limited Absolute Defense

The bill requires a plaintiff to prove that the health care provider was grossly negligent or engaged in intentional misconduct:

- By failing to substantially follow authoritative or applicable government-issued health standards or guidance relating to COVID-19;
- In interpreting or applying the standards or guidance with respect to the provision of health care or related services, or lack thereof, or the allocation of scarce resources or assistance with daily living; or
- In the provision of a novel or experimental COVID-19 treatment.

This liability standard is more stringent than that applicable to an ordinary negligence case.

Additionally, a health care provider is fully immune from liability for a COVID-19-related claim if supplies, materials, equipment, or personnel necessary to comply with the applicable government-issued health standards or guidance at issue were not readily available or were not available at a reasonable cost. The bill does not define the standards for readily available or reasonable cost.

Limitations Period

The bill creates a statute of repose requiring that a case be filed the later of 1 year after:

- The death of the injured individual due to COVID-19;
- Hospitalization due to COVID-19;
- First diagnosis of COVID-19; or
- The effective date of this bill.

Relationship to Other Laws

The bill provides that s. 768.381, F.S., created by this bill, prevails over any conflicting provision of law, but only to the extent of such conflict. This provision does not apply to conflicts related to claims under the worker's compensation law, thus preserving worker's compensation benefits together with the worker's compensation liability shield protecting employers and fellow employees from tort claims.

Applicability

The bill applies to COVID-19-related causes of action that accrue before the later of 1 year after the termination or expiration of:

- The state public health emergency relating to COVID-19 which was declared by the State Surgeon General; or
- Any nationwide emergency declaration by the Federal Government.

The bill provides for severability.

The bill is retroactive, except that it does not apply in a civil action against a particular named health care provider filed before the effective date of the bill.

The bill is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

As to tort law in general: In 1973, the Florida Supreme Court found that:

where a right of access to the courts for redress for a particular injury has been provided by statutory law predating the adoption of the Declaration of Rights of the [1968 Constitution of the State of Florida, or where such right has become a part of the common law of the State pursuant to Fla.Stat. s 2.01, F.S.A., the Legislature is without power to abolish such a right without providing a reasonable alternative to protect the rights of the people of the State to redress for injuries, unless the Legislature can show an overpowering public necessity for the abolishment of such right, and no alternative method of meeting such public necessity can be shown.⁴³

A law that merely alters the standards of care in a tort action does not abolish the right and thus does not impair access to courts.⁴⁴ The bill contains findings of fact that may be evidence of an overwhelming public necessity for the passage of this bill.

As to a shortened limitations period: 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 1 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

⁴³ *Kluger v. White*, 281 So. 2d 1, 4 (Fla. 1973).

⁴⁴ *Abdin v. Fischer*, 374 So. 2d 1379, 1381 (Fla. 1979). See also, *Eller v. Shova*, 630 So. 2d 537 (Fla. 1994) (increasing fellow worker exception in worker's compensation law from gross negligence to culpable negligence is constitutional).

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.⁴⁵

As to retroactivity: Most bills apply prospectively to actions occurring after their effective date; although, the Legislature may pass a retroactive law unless prohibited. Section 3 of the bill states:

This act applies retroactively. However, this act does not apply in a civil action against a particular named health care provider which is commenced before the effective date of this act.

Legislation may not be applied retroactively if it “impairs vested rights, creates new obligations, or imposes new penalties.”⁴⁶ Therefore, if a court found that the bill did any of these prohibited things, the court would have to reject any retroactive application of the bill. However, a mere change to procedure such as requiring certain pleadings or changing the burden of proof may be applied retroactively to existing causes of action.⁴⁷

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector fiscal impacts of this bill are indeterminate and speculative. If the effect of the bill is to codify what the courts would have found to be the common law of the state, then the bill will have a significant positive impact on the private sector in general through the avoidance of needless litigation and its attendant costs. If the effect of the bill is to limit lawsuits that otherwise would have yielded recoveries for injured parties, the bill will have a positive fiscal impact on the healthcare industry and a corresponding negative fiscal impact on injured individuals.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴⁵ *Foley v. Morris*, 339 So. 2d 215 (Fla. 1976).

⁴⁶ *State Farm Mut. Auto. Ins. Co. v. Laforet*, 658 So. 2d 55, 61 (Fla. 1955).

⁴⁷ *Litvin v. St. Lucie County Sheriff's Department*, 599 So. 2d 1353 (Fla. 1st DCA 1992) (changing the burden of proof).

VIII. Statutes Affected:

This bill creates section 768.381 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.

By Senator Brandes

24-01546B-21

202174__

A bill to be entitled
An act relating to COVID-19-related claims against health care providers; creating s. 768.381, F.S.; defining terms; providing preliminary procedures for civil actions based on COVID-19-related claims; providing the standard of proof required at trial for such claims; providing immunity from liability for COVID-19-related claims under certain circumstances; requiring COVID-19-related claims to commence within a specified timeframe; providing construction; providing applicability; providing severability; providing for retroactive application; providing an effective date.

WHEREAS, an outbreak of the disease known as COVID-19, which is caused by a novel coronavirus that was not previously found in humans, occurred in Hubei province, China, in late 2019, and has currently been detected in more than 89 countries, including the United States, and

WHEREAS, COVID-19 is a severe respiratory disease that can result in illness or death and is caused by the person-to-person spread of the novel coronavirus, and

WHEREAS, COVID-19, as a viral agent capable of causing extensive loss of life or serious disability, is deadly, and

WHEREAS, the transmission of COVID-19 is a threat to human health in this state, and

WHEREAS, the Secretary of the United States Department of Health and Human Services declared on January 31, 2020, that a public health emergency exists in the United States due to confirmed cases of COVID-19 in this country, and

24-01546B-21

202174__

WHEREAS, on March 1, 2020, the State of Florida Department of Health, in coordination with Governor Ron DeSantis, first declared a public health emergency based on the spread of COVID-19, and

WHEREAS, the United States Centers for Disease Control and Prevention has issued health guidance to all state and local governments and all citizens, and

WHEREAS, in March 2020, the Centers for Medicare and Medicaid Services recommended the deferral of nonessential surgeries and other procedures, and

WHEREAS, the guidance from the Centers for Medicare and Medicaid Services to defer medical procedures was based in part on its recognition that the conservation of critical health care resources is essential, and

WHEREAS, on March 20, 2020, the Governor issued Executive Order 20-72, which prohibited health care providers "from providing any medically unnecessary, non-urgent or non-emergency procedure or surgery which, if delayed, does not place a patient's immediate health, safety, or well-being at risk, or will, if delayed, not contribute to the worsening of a serious or life-threatening medical condition," and

WHEREAS, on April 29, 2020, the Governor issued Executive Order 20-112, which allowed health care providers to perform procedures prohibited by the earlier order if the health care provider had adequate supplies of personal protective equipment and satisfied other conditions, and

WHEREAS, medical experts have been racing to develop vaccines and to learn how COVID-19 is transmitted and how best to treat those infected with the disease, and

24-01546B-21

202174__

59 WHEREAS, the Federal Government, along with state and local
60 governments, has sought to slow the spread of COVID-19 through
61 travel bans and restrictions, quarantines, lockdowns, social
62 distancing, and the closure of businesses or limitations on
63 business activities, including limitations on the provision of
64 medical services, and

65 WHEREAS, health care providers, including hospitals,
66 doctors, nurses, and other health care facilities and workers,
67 have struggled to acquire personal protective equipment and
68 other supplies to protect against the risk of COVID-19
69 transmission and medications used in the treatment of the
70 disease, and

71 WHEREAS, the circumstances of the COVID-19 pandemic have
72 made it difficult or impossible for health care providers to
73 maintain ideal levels of staffing, and

74 WHEREAS, health care providers are essential to the
75 residents of this state's survival of the pandemic, and health
76 care providers have continued to treat patients despite the
77 potential, and still not fully known, risks of exposure to
78 COVID-19, and

79 WHEREAS, while many actions may seem reasonable during the
80 pandemic, some may attempt to construe these actions differently
81 in hindsight when calm is restored, and

82 WHEREAS, as the pandemic continues and recovery begins,
83 health care providers must be able to remain focused on serving
84 the health care needs of their respective communities and not on
85 the potential for unfounded lawsuits, and

86 WHEREAS, the Legislature finds that it is an overpowering
87 public necessity to enact legislation that will deter unfounded

24-01546B-21

202174__

lawsuits against health care providers based on COVID-19-related claims, while allowing meritorious claims to proceed, and

WHEREAS, the Legislature finds that it is necessary to require those filing lawsuits against health care providers to consider the extraordinary circumstances arising out of the public health emergency caused by the pandemic, NOW, THEREFORE,

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

Section 1. Section 768.381, Florida Statutes, is created to read:

768.381 COVID-19-related claims against health care providers.—

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

(a) "COVID-19" means the novel coronavirus identified as SARS-CoV-2; any disease caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom; and all conditions associated with the disease which are caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom.

(b) "COVID-19-related claim" means a civil liability claim, whether pled as negligence, breach of contract, or otherwise, against a health care provider which directly, indirectly, or in effect alleges that:

1. The health care provider failed to follow clinical authoritative or government-issued health standards or guidance relating to COVID-19;

2. The health care provider failed to properly interpret or apply the standards or guidance with respect to the provision of health care or related services, or lack thereof, or the

24-01546B-21

202174__

allocation of scarce resources, or assistance with daily living;

3. The health care provider was negligent in the provision of a novel or experimental COVID-19 treatment; or

4. In the absence of applicable standards and guidance specific to COVID-19, the health care provider failed to follow clinical authoritative or government-issued health standards or guidance relating to infectious diseases in preventing the transmission of COVID-19 or in diagnosing or treating a person for COVID-19.

(c) "Government-issued health standards or guidance" means any of the following that are related to COVID-19 or other infectious diseases and that describe the manner in which a health care provider must operate at the time of the alleged act or omission:

1. A federal, state, or local law, regulation, or ordinance;

2. A written order or other document published by a federal, state, or local government or regulatory body;

3. Standards or guidance issued by the Agency for Health Care Administration or the United States Centers for Disease Control and Prevention, the National Institutes of Health, the United States Food and Drug Administration, or the Centers for Medicare and Medicaid Services; or

4. Guidance issued by a clinical professional organization which was used by the Federal Government in developing a response to COVID-19.

(d) "Health care provider" means any of the following:

1. A provider as defined in s. 408.803.

2. A clinical laboratory providing services in this state

24-01546B-21

202174__

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

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

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

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

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

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

(2) PRELIMINARY PROCEDURES.—

(a) In any civil action against a health care provider based on a COVID-19-related claim, the complaint must be pled with particularity by alleging facts in sufficient detail to support each element of the claim. An affidavit of a physician is not required as part of the pleading.

(b) If the complaint is not pled with particularity, the court must dismiss the action.

(3) STANDARD OF PROOF.—A plaintiff who brings an action for a COVID-19-related claim against a health care provider must prove by the greater weight of the evidence that the health care provider was grossly negligent or engaged in intentional misconduct:

(a) By failing to substantially follow authoritative or

24-01546B-21

202174__

175 applicable government-issued health standards or guidance
176 relating to COVID-19;

177 (b) In interpreting or applying the standards or guidance
178 with respect to the provision of health care or related
179 services, or lack thereof, or the allocation of scarce resources
180 or assistance with daily living; or

181 (c) In the provision of a novel or experimental COVID-19
182 treatment.

183
184 A health care provider is immune from liability for a COVID-19-
185 related claim if supplies, materials, equipment, or personnel
186 necessary to comply with the applicable government-issued health
187 standards or guidance at issue were not readily available or
188 were not available at a reasonable cost.

189 (4) LIMITATIONS PERIOD.—An action for a COVID-19-related
190 claim against a health care provider must commence within 1 year
191 after the later of the date of death due to COVID-19,
192 hospitalization related to COVID-19, or the first diagnosis of
193 COVID-19 which forms the basis of the action. However, a
194 claimant whose cause of action for a COVID-19-related claim
195 accrued before the effective date of this act must commence such
196 action within 1 year after the effective date of this act.

197 (5) CONFLICTING LAWS.—This section shall prevail over any
198 conflicting provisions of law to the extent of the conflict,
199 except for claims brought under chapter 440.

200 (6) APPLICABILITY.—This section applies to causes of action
201 that accrue no later than 1 year after the termination or
202 expiration of the state public health emergency relating to
203 COVID-19 which was declared by the State Surgeon General or any

24-01546B-21

202174__

204 nationwide emergency declaration by the Federal Government,
205 whichever is later.

206 Section 2. If any provision of this act or its application
207 to any person or circumstance is held invalid, the invalidity
208 does not affect other provisions or applications of the act
209 which can be given effect without the invalid provision or
210 application, and to this end the provisions of this act are
211 severable.

212 Section 3. This act applies retroactively. However, this
213 act does not apply in a civil action against a particular named
214 health care provider which is commenced before the effective
215 date of this act.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-10-21

Meeting Date

74

Bill Number (if applicable)

741454

Amendment Barcode (if applicable)

Topic Covid Immunity

Name Barbara DeVane

Job Title _____

Address 625 E. Bernard St
Street

Phone 257-4280

City

State

Zip

Email barbadevane1@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL NOW & FL Alliance for Retired Americans

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)

Meeting Date _____

SB 74
Bill Number (if applicable) _____

741454
Amendment Barcode (if applicable) _____

Topic _____

Name DAVID MICA, JR

Job Title Exec Vice President

Address _____ Phone _____

Street

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Hospital Assoc

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE
APPEARANCE RECORD

2/10/2021

Meeting Date

74

Bill Number (if applicable)

924394,788120, 549454,741454

Amendment Barcode (if applicable)

Topic COVID liability

Name Mark Delegal

Job Title Partner

Address 201 E Park Avenue, Suite 200B

Phone 850-583-2400

Street

Tallahassee

Florida

32301

Email mark@dacfl.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing The Doctors Company, ProAssurance Corp., MagMutual Insurance Co.,

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

741454

Amendment Barcode (if applicable)

Topic COVID-19 related Claims Against Health Care Providers

Name TOBY PHILPOT

Job Title Director Government Affairs

Address 307 W Parke Avenue

Street

Tallahassee

City

FL

State

32301

Zip

Phone 352-318-2008

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

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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

741454

Amendment Barcode (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32312

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/2021

Meeting Date

SB 74

Bill Number (if applicable)

741454

Topic Covid-19 Liability Immunity for Health Care Providers

Amendment Barcode (if applicable)

Name Steve Cain

Job Title Attorney

Address One Southeast Third Avenue, Suite 3000

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

02.09.21

Meeting Date

74

Bill Number (if applicable)

741454

Amendment Barcode (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Name Robin Khanal

Job Title

Address 255 South Orange Avenue - Suite 900

Phone 407-872-6011

Street

Orlando

FL

32801

Email RKhanal@qpwbllaw.com

City

State

Zip

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

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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)

2/10/21

Meeting Date

74

Bill Number (if applicable)

741454

Amendment Barcode (if applicable)

Topic _____

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St.

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-445-5767

Email tim.nungesser@nfib.org

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date FEB 10th 2021 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
 Topic Senate Amendment on SB 74 Bill Number (if applicable) SB 74
 Name DAVID GORDAN Amendment Barcode (if applicable) 741454
 Job Title STATESMAN SENATOR Retired
 Address 66 Wintergreen Dr Phone 352 805 6597
 Street Fruitland Park FL City FL State FL Zip 34731 Email goffendave1955@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Self

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

549454

Amendment Barcode (if applicable)

Topic COVID-19 related Claims Against Health Care Providers

Name TOBY PHILPOT

Job Title Director Government Affairs

Address 307 W Parke Avenue

Street

Tallahassee

City

FL

State

32301

Zip

Phone 352-318-2008

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)

2-10-21

Meeting Date

74

Bill Number (if applicable)

Topic

Covid Immunity

Name

Burlina DeVane

549454

Amendment Barcode (if applicable)

Job Title

Address

625 E. Brenda St

Street

Phone

251-4280

City

Jaluhamee

State

FL 32308

Zip

Email

burlinadevane1@yahoo.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

FL NOW & FL Alliance for Retired Americans

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)

2/10/21

Meeting Date

74

Bill Number (if applicable)

549454

Amendment Barcode (if applicable)

Topic _____

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St.

Street

Tallahassee

City

FL

State

32301

Zip

Phone 445-5367

Email tim.nungesser@flsenate.org

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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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)

Meeting Date _____

SB 74
Bill Number (if applicable) _____

549454
Amendment Barcode (if applicable) _____

Topic _____

Name DAVID MICA, Jr

Job Title Exec. Vice President

Address _____ Phone _____
Street

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL. Hospital Assoc

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE
APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

549454

Amendment Barcode (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32312

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)

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THE FLORIDA SENATE
APPEARANCE RECORD

2/10/2021

Meeting Date

74

Bill Number (if applicable)

924394,788120, 549454,741454

Amendment Barcode (if applicable)

Topic COVID liability

Name Mark Delegal

Job Title Partner

Address 201 E Park Avenue, Suite 200B

Phone 850-583-2400

Street

Tallahassee

Florida

32301

Email mark@dacfl.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing The Doctors Company, ProAssurance Corp., MagMutual Insurance Co.,

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/2021

Meeting Date

SB 74

Bill Number (if applicable)

549454

Topic Covid-19 Liability Immunity for Health Care Providers

Amendment Barcode (if applicable)

Name Steve Watrel

Job Title Attorney

Address 6129 Atlantic Boulevard

Phone (904) 356-6071

Street

Jacksonville

FL

32211

City

State

Zip

Email sw@cokerlaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Nursing Home Residents

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)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02.09.21

Meeting Date

74

Bill Number (if applicable)

549454

Amendment Barcode (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Name Robin Khanal

Job Title

Address 255 South Orange Avenue - Suite 900

Phone 407-872-6011

Street

Orlando

FL

32801

Email RKhanal@qpwbllaw.com

City

State

Zip

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

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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)

2/10/21

Meeting Date

74

Bill Number (if applicable)

549454

Amendment Barcode (if applicable)

Topic SB 74

Name Tim Parson

Job Title _____

Address _____

Street

Phone 850-910-2678

City

State

Zip

Email tim@livedepot.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against

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

Representing Florida Assisted Living 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)

2-10-21

Meeting Date

74

Bill Number (if applicable)

798120

Amendment Barcode (if applicable)

Topic

Covid Immunity

Name

Barbara DeLano

Job Title

Address

125 E. Brevard St

Street

Tallahassee FL 32308

City

State

Zip

Phone

251-4280

Email

barbadeano1@yahoo.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

FL NOW & FL Alliance for Retired Americans

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)

2/10/21
Meeting Date

74
Bill Number (if applicable)
788120
Amendment Barcode (if applicable)

Topic _____

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St. Phone 405.5361
Street

Tallahassee FL 32301 Email tim.nungesser@ntb.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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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)

Meeting Date _____

SB 74
Bill Number (if applicable) _____

788120
Amendment Barcode (if applicable) _____

Topic _____

Name DAVID MICA, JR

Job Title Exec. Vice President

Address _____ Phone _____
Street

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Hospital Assoc

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)

2/10/2021

Meeting Date

74

Bill Number (if applicable)

788/20

Amendment Barcode (if applicable)

Topic SBS 74

Name Tim Parson

Job Title _____

Address _____

Street

Phone

800-310-2678

Email

tim@bepartnersllc.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against

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

Representing Florida Assisted Living 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)

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THE FLORIDA SENATE
APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

788120

Amendment Barcode (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32312

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

788120

Amendment Barcode (if applicable)

Topic COVID-19 related Claims Against Health Care Providers

Name TOBY PHILPOT

Job Title Director Government Affairs

Address 307 W Parke Avenue

Street

Tallahassee

City

FL

State

32301

Zip

Phone 352-318-2008

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/2021

Meeting Date

74

Bill Number (if applicable)

924394,788120,549454,741454

Amendment Barcode (if applicable)

Topic COVID liability

Name Mark Delegal

Job Title Partner

Address 201 E Park Avenue, Suite 200B

Street

Tallahassee

City

Florida

State

32301

Zip

Phone 850-583-2400

Email mark@dacfl.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing The Doctors Company, ProAssurance Corp., MagMutual Insurance Co.,

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02.09.21

Meeting Date

74

Bill Number (if applicable)

788120

Amendment Barcode (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

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

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/2021

Meeting Date

SB 74

Bill Number (if applicable)

788120

Topic Covid-19 Liability Immunity for Health Care Providers

Amendment Barcode (if applicable)

Name Steve Cain

Job Title Attorney

Address One Southeast Third Avenue, Suite 3000

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)

FEB 10th

Meeting Date

SB 74

Bill Number (if applicable)

Topic

ZFR. Chair Against Death

Amendment Barcode (if applicable)

708120

Name

David Seaman

Health Care Reform

Job Title

Concerned Senior Citizen

Business Owner

Address

66 Wyntergreen Dr

Phone

Past Funeral Home Worker

Street

Fruitland Park FL 34731

Phone

352 805 6597

City

State

Zip

Email

goldardave1955@gmail.com

Speaking:

☐

For

☐

Against

☒

Information

Waive Speaking:

☐

In Support

☐

Against

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

Representing

Self

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/10/21

Meeting Date

74

Bill Number (if applicable)

Topic

Covid Immunity

924394

Amendment Barcode (if applicable)

Name

Barbara DeVane

Job Title

Address

1225 E. Broadway St

Street

Phone

257-4280

City

Tallahassee FL

State

32308

Zip

Email

barbaradevane@flnow.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

FL NOW & FL Alliance for Retired Americans

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/10/21

Meeting Date

74

Bill Number (if applicable)

924384

Amendment Barcode (if applicable)

Topic SB 74

Name Tim Parson

Job Title _____

Address _____

Street

Phone 880-910-2678

City

State

Zip

Email tim@libertyjournal.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Assisted Living Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/10/21
Meeting Date

74
Bill Number (if applicable)
924394
Amendment Barcode (if applicable)

Topic _____

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St. Phone 445-5267
Street

Tallahassee FL 32301 Email tnungesser@ntf.b.i.g
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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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)

Meeting Date _____

SB 74
Bill Number (if applicable)

924 394
Amendment Barcode (if applicable)

Topic _____

Name DAVID MICA, Jr

Job Title Exec Vice President

Address _____ Phone _____

Street

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL. Hospital Assoc.

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)

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2/10/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

74

Bill Number (if applicable)

924394

Amendment Barcode (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Street

Tallahassee

City

FL

State

32312

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)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

924394

Amendment Barcode (if applicable)

Topic COVID-19 related Claims Against Health Care Providers

Name TOBY PHILPOT

Job Title Director Government Affairs

Address 307 W Parke Avenue

Street

Tallahassee

City

FL

State

32301

Zip

Phone 352-318-2008

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)

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Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

2/10/2021

Meeting Date

74

Bill Number (if applicable)

924394,788120, 549454,741454

Amendment Barcode (if applicable)

Topic COVID liability

Name Mark Delegal

Job Title Partner

Address 201 E Park Avenue, Suite 200B

Phone 850-583-2400

Street

Tallahassee

Florida

32301

Email mark@dacfl.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing The Doctors Company, ProAssurance Corp., MagMutual Insurance Co.,

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)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02.09.21

Meeting Date

74

Bill Number (if applicable)

924394

Topic COVID-19-related Claims Against Health Care Providers

Amendment Barcode (if applicable)

Name Robin Khanal

Job Title

Address 255 South Orange Avenue - Suite 900

Phone 407-872-6011

Street

Orlando

FL

32801

Email RKhanal@qpwbllaw.com

City

State

Zip

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.

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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/2021

Meeting Date

SB 74

Bill Number (if applicable)

924394

Amendment Barcode (if applicable)

Topic Covid-19 Liability Immunity for Health Care Providers

Name Steve Watrel

Job Title Attorney

Address 6129 Atlantic Boulevard

Street

Jacksonville

FL

32211

City

State

Zip

Phone (904) 356-6071

Email sw@cokerlaw.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Nursing Home Residents

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM**THE FLORIDA SENATE****APPEARANCE RECORD**2/10/2021*Meeting Date*SB74*Bill Number (if applicable)*Topic COVID-19 Related Claims against health care providers*Amendment Barcode (if applicable)*Name Paul LedfordJob Title President & CEOAddress 817 N. Gadsden StreetPhone 8508782632*Street*TallahasseeFL32303*City**State**Zip*Email paul@floridahospices.orgSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Hospice & Palliative Care AssociationAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

2/10/21

Meeting Date

74

Bill Number (if applicable)

Topic SB 74

Amendment Barcode (if applicable)

Name Tim Parson

Job Title _____

Address _____

Street

Phone 850-910-2678

City

State

Zip

Email tim@libertypartnersllc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Assisted Living Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/10/2021

Meeting Date

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

74

Bill Number (if applicable)

Topic COVID CLAIMS against Health Care

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Director

Address 579 E. Coll

Phone 850-321-9386

Street

Tallahassee FL 32301

City

State

Zip

Email fcfep@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Center for Fiscal & Economic Policy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/10/21
Meeting Date

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

74
Bill Number (if applicable)

Topic COVID Claims Against HC Providers

Amendment Barcode (if applicable)

Name Steve Winn

Job Title Exec. Director

Address 2544 Blairstone Pines Dr
Street

Phone 878-3056

Tallahassee FL 32301
City State Zip

Email winnsv2earthlink.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Osteopathic Medical 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)

2/10/20

Meeting Date

SB 74

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 224-6926

Street

Tallahassee

State

FL

Zip

Email _____

City

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

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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)

2/10/21
Meeting Date

74
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St

Phone 850-445-5367

Street

City

Tallahassee

State

FL

Zip

32301

Email tim.nungesser@nfb.org

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

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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)

2/10/21
Meeting Date

SB 74
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jeff Scott

Job Title _____

Address 1430 Piedmont Dr. E.

Phone 850 224-6496

Street

Lakeland

FL

32308

City

State

Zip

Email jscott@flmedical.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Medical Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/

Meeting Date

74

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Chris Nuland

Job Title _____

Address 4427 Herschel St

Phone 904-233-3051

Street

Jacksonville, FL 32210

City

State

Zip

Email nulandlaweal.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chapter ACP; Florida Gastroenterologic Society

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/10/2021

Meeting Date

SB 74

Bill Number (if applicable)

Topic COVID LIABILITY

Amendment Barcode (if applicable)

Name Lakey Love

Job Title _____

Address 1511 Melvin St
Street

Phone 850-345-0018

Tallahassee FL 32301
City State Zip

Email lakey@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

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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)

2-10-21
Meeting Date

SB 74
Bill Number (if applicable)

Topic Pandemic Liability Protection Amendment Barcode (if applicable)

Name Ken Kniepmann (ka neep man)

Job Title Associate for Health

Address 201 W Park Av Phone 850-510-0552
Street

Tallahassee FL Email kkniepmann@flaccb.org
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Conference Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

SB 74

Bill Number (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Amendment Barcode (if applicable)

Name Susan Langston

Job Title Vice President of Advocacy

Address 1812 Riggins Road

Street

Phone (850) 671-3700

Tallahassee

FL

32308

City

State

Zip

Email slangston@leadingageflorida.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing LeadingAge Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

FEB 10th 2021

Meeting Date

SB 74

Bill Number (if applicable)

Topic COVID 19 Related Claims Against Health Care

Name DAVID SERDAR (SIRDAR)

Job Title STATESMAN SENIOR RETIRED BUSINESS

Address 66 WINTERGREEN DR Phone OWNED

Street

City

State

Zip

Phone

Email

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against

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

Representing Self & my wife

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/2021

Meeting Date

SB 74

Bill Number (if applicable)

Topic Covid-19 Liability Immunity for Health Care Providers

Amendment Barcode (if applicable)

Name Steve Cain

Job Title Attorney

Address One Southeast Third Avenue, Suite 3000

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)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02.09.21

Meeting Date

74

Bill Number (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Amendment Barcode (if applicable)

Name Robin Khanal

Job Title

Address 255 South Orange Avenue - Suite 900

Phone 407-872-6011

Street

Orlando

FL

32801

City

State

Zip

Email RKhanal@qpwbllaw.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.

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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)

SB 74

Meeting Date

Bill Number (if applicable)

Topic Covid-19 Bill

Amendment Barcode (if applicable)

Name KIRSTEN Ullman

Job Title Attorney

Address 3812 Coconut Palm Dr.

Phone 813 970 0500

Street

Tampa

FL

33619

City

State

Zip

Email Kullman@UBLawOffice.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Ullman Bursat Law

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

Topic SB 74 - Covid-19 related claims against health care providers

Amendment Barcode (if applicable)

Name Jason Hand

Job Title Vice President of Public Policy & Legal Affairs

Address 2292 Wednesday Street, Suite 1

Phone 850-443-0024

Street

Tallahassee

FL

32308

City

State

Zip

Email jhand@floridaseniorliving.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Senior Living 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)

2-10-21

Meeting Date

74

Bill Number (if applicable)

Topic Covid Immunity for Healthcare Workers

Amendment Barcode (if applicable)

Name Barbara Deane and nursing home

Job Title _____

Address 625 E. Brevard St

Street

Phone 251-4280

Tallahassee FL 32308

City

State

Zip

Email barbaradene1@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FL NOW and FL Alliance for Retired Americans

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

Volunteer for FLAKA

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S-001 (10/14/14)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/20

Meeting Date

74

Bill Number (if applicable)

Topic COVID-19 Liability for Health Care Facilities

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Senior Policy Director

Address 136 S Bronough St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-521-1200

Email cjohnson@flchamber.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 74

Bill Number (if applicable)

Meeting Date _____

Topic S

Amendment Barcode (if applicable)

Name DAVID MICA, Jr

Job Title Exec Vice President Florida Hospital Assoc

Address _____ Phone 352-227-8700

Street

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Hospital Assoc

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/10/2021

Meeting Date

74

Bill Number (if applicable)

Topic COVID Immunity

Amendment Barcode (if applicable)

Name BRIAN BURSA

Job Title Attorney

Address 911 Symphony Isles Blvd

Phone 913-842-8476

Street

Apollo Beach FL 33577

Email brumbursa@gmail.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing ALF's and nursing homes

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

74

Bill Number (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Phone 224-7173

Street

Tallahassee

FL

32312

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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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/2021

Meeting Date

SB 74

Bill Number (if applicable)

Topic Covid-19 Liability Immunity for Health Care Providers

Amendment Barcode (if applicable)

Name Stephen Watrel

Job Title Attorney

Address 6129 Atlantic Boulevard

Phone (904) 356-6071

Street

Jacksonville

FL

32211

Email sw@cokerlaw.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Nursing Home Residents

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)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM**THE FLORIDA SENATE****APPEARANCE RECORD**

2/10/2021

Meeting Date

SB 74

*Bill Number (if applicable)*Topic COVID-19-related Claims Against Health Care Providers*Amendment Barcode (if applicable)*Name Joel AndersonJob Title President & CEOAddress 6710 Professional Parkway W Ste 301Phone 941/260-3928*Street*SarasotaFL34240*City**State**Zip*Email janderson@lifestartliving.comSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)Representing LifeStar LivingAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02.09.21

Meeting Date

74

Bill Number (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Amendment Barcode (if applicable)

Name William Large

Job Title President

Address 210 South Monroe Street

Phone 850-222-0170

Street

Tallahassee

FL

32301

City

State

Zip

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/10/21

Meeting Date

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

74

Bill Number (if applicable)

Topic

COVID liability

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Job Title

Legislative Director

Address

Street

Phone

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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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

Meeting Date _____

SB 74
Bill Number (if applicable)

Topic SB 74 COVID19 Related Claims

Amendment Barcode (if applicable) _____

Name Yolanda Hue

Job Title Business Development

Address 5177 Lexington Creek Dr

Phone 407 802 7516

Street

Tallahassee FL 32317

City

State

Zip

Email Yolanda.Hue@TapestrySenior.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Senior Living Association / Tapestry Senior Living

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)

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02/10/2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

74

Bill Number (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Amendment Barcode (if applicable)

Name Katoria Westbrook

Job Title Director of Nursing

Address 2255 Centerville Road

Phone (850) 386-4054

Street

Tallahassee

FL

32308

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Centre Pointe Health & Rehab

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

02/10/2021

Meeting Date

74

Bill Number (if applicable)

Topic COVID-19-related Claims Against Health Care Providers

Amendment Barcode (if applicable)

Name Donna Fudge

Job Title Attorney

Address 650 16th Street North

Phone (727) 490-3100

Street

St. Petersburg

FL

33705

Email dfudge@fudgebroadwater.com

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.

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

S-001 (10/14/14)

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: CS/SB 78

INTRODUCER: Judiciary Committee and Senator Rodrigues

SUBJECT: Dues and Uniform Assessments

DATE: February 10, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 78 requires a public employee wanting to join a union to submit a signed membership authorization form that includes a specific statutory notice. The union must revoke the membership if the employee submits a signed request for revocation. The union may not require a reason for the employee's decision to revoke membership in the union.

The bill also requires a public employee to submit a signed dues deduction form before an employer may deduct union dues from an employee's pay. The employer must, within 30 days, confirm with the employee that the employee authorized the deduction. Such authorization to deduct ends automatically when the members of the employee organization ratify a new collective bargaining agreement or after three years, whichever occurs earlier.

Public employers may experience an indeterminate, but likely insignificant, increase in workload and costs associated with the administration of the authorization and revocation of dues deductions.

The bill takes effect upon becoming a law.

II. Present Situation:

Collective Bargaining

Article 1, section 6 of the State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.” To implement this constitutional provision, the Legislature enacted ch. 447, F.S. Part II of the chapter, which part is solely applicable to public employees and public employee unions, provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.¹ Through collective bargaining, public employees² may collectively negotiate with their public employer³ in the determination of the terms and conditions of their employment.⁴ The Public Employees Relations Commission is responsible for assisting in resolving disputes between public employees and public employers.⁵

An “employee organization” is any “labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.”⁶ When an employee organization is approved by the employees, recognized by the employer, and authorized to conduct collective bargaining, it is referred to as a certified bargaining agent, and becomes the exclusive representative of all employees in that unit.⁷

After an employee organization has been certified as the bargaining agent for a group of public employees, the bargaining agent and the chief executive officer of the appropriate public employer must bargain collectively in the determination of wages, hours, and terms and

¹ Section 447.201, F.S.

² Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except:

- (a) Persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions.
- (b) Persons holding positions by appointment or employment in the organized militia.
- (c) Individuals acting as negotiating representatives for employer authorities.
- (d) Persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein.
- (e) Persons holding positions of employment with the Florida Legislature.
- (f) Persons who have been convicted of a crime and are inmates confined to institutions within the state.
- (g) Persons appointed to inspection positions in federal/state fruit and vegetable inspection service whose conditions of appointment are affected by the following:
 - 1. Federal license requirement.
 - 2. Federal autonomy regarding investigation and disciplining of appointees.
 - 3. Frequent transfers due to harvesting conditions.
- (h) Persons employed by the Public Employees Relations Commission.
- (i) Persons enrolled as undergraduate students in a state university who perform part-time work for the state university.

³ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

⁴ Section 447.301(2), F.S.

⁵ Section 447.201(3), F.S.

⁶ Section 447.203(11), F.S.

⁷ Sections 447.203(12), 447.307(1), F.S.

conditions of employment of the employees.⁸ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.⁹ Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.¹⁰ Current law prohibits a collective bargaining agreement from providing for a term of existence of more than three years and requires the agreement to contain all of the terms and conditions of employment of the employees during such term.¹¹

Right-to-Work

The State Constitution forbids an employer from denying citizens the right to work based on membership or non-membership in any employee organization.¹² As such, public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.¹³

Union Dues and Deductions in Florida

Section 447.303, F.S., authorizes a certified bargaining agent, a union, to have its dues and uniform assessments collected by a public employer by deducting such payments from the salaries of those employees who choose to authorize the practice. The employee's authorization is revocable with 30 days written notice to the employer and union, but otherwise continues for the length of the union's duration as certified bargaining agent. The deductions commence upon the bargaining agent's written request to the employer. While employers may make salary deductions for dues and uniform assessments, employers are expressly prohibited from any involvement in collecting fines, penalties, or special assessments.

Section 110.114, F.S., governs all employee wage deductions for state employment. The state, its departments, bureaus, commissions, and officers are permitted to make deductions from employees' salaries when authorized and requested by the employee.¹⁴ All records of employee requests and employer authorizations for deductions from an employee's wage or salary, or the legal authority for the deduction, shall be maintained by each employing entity.¹⁵

According to the Department of Management Services, 72,356 state employees (excluding state university system employees) were represented by unions during Fiscal Year 2018-19. Of these employees, 8,998 paid union dues and assessments.¹⁶ Local government union membership levels are unknown.

⁸ Section 447.309(1), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 447.309(5), F.S.

¹² FLA. CONST. art. 1, s. 6.

¹³ Section 447.301(1) and (2), F.S.

¹⁴ *Id.*

¹⁵ Section 110.114(4), F.S.

¹⁶ State Personnel System, *Annual Workforce Report for Fiscal Year 2018-2019*, page 26,

[https://www.dms.myflorida.com/content/download/149462/996706/FY_2018-19_Annual_Workforce_Report_\(FINAL\).pdf](https://www.dms.myflorida.com/content/download/149462/996706/FY_2018-19_Annual_Workforce_Report_(FINAL).pdf)
(last visited January 27, 2021).

III. Effect of Proposed Changes:

Section 1 amends s. 447.301, F.S., to require a public employee wanting to join a union to sign a membership authorization form. The form must include the following acknowledgement:

I acknowledge and understand that Florida is a right-to-work state and that union membership is not required as a condition of employment. I understand that union membership and payment of union dues and assessments is voluntary and that I may not be discriminated against in any manner if I refuse to join or financially support a union.

Furthermore, the section requires an employee organization to revoke an employee's membership upon receipt of written request. Any form required to fulfill this request may not require the employee to disclose a reason for membership revocation.

Section 2 amends s. 447.303, F.S., to require that before an employer begins deducting union dues from an employee's pay, the employer must receive a signed authorization form from the bargaining agent and confirm such authorization with the employee. Confirmation must be completed within 30 days. The means of confirmation is not specified and thus will be determined by the employing entity. The section further provides that such authorization will end automatically when the employee organization ratifies a new collective bargaining agreement or after three years, whichever occurs first.

Section 3 reenacts s. 110.114(3), F.S., in order to incorporate the changes made in section 1 of the bill.

Section 4 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill does not impose, authorize, or raise a state tax or fee.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent to which the new requirements depress union membership or salary deductions for union dues or increase costs associated with the creation and use of membership authorization and dues deduction forms, public sector unions may experience a negative fiscal impact.

C. Government Sector Impact:

Public agencies may experience additional workload relating to administering the authorization and revocation of dues deductions for public employees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 447.301 and 447.303.

This bill reenacts section 110.114, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Judiciary on February 10, 2021:

The CS added a provision requiring that employer confirmation of a deduction of union dues be completed within 30 days.

B. Amendments:

None.

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

By Senator Rodrigues

27-00830A-21

202178__

A bill to be entitled
An act relating to dues and uniform assessments;
amending s. 447.301, F.S.; requiring that a public
employee who desires to join an employee organization
sign a membership authorization form; requiring that
the form include a specified acknowledgement;
requiring an employee organization to revoke an
employee's membership upon receipt of the employee's
request for revocation; requiring certain employees to
provide specified notice to his or her employer to
revoke certain deductions; providing that a revocation
form may not require an employee to state a reason for
the revocation; amending s. 447.303, F.S.; providing
that certain deductions commence upon the employer's
receipt and confirmation of the employee's signed
deduction authorization form; specifying the time
period that an employee's authorization to deduct dues
and uniform assessments remains in effect; reenacting
s. 110.114(3), F.S., relating to employee wage
deductions, to incorporate the amendment made to s.
447.303, F.S., in a reference thereto; providing an
effective date.

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

Section 1. Subsection (1) of section 447.301, Florida
Statutes, is amended to read:

447.301 Public employees' rights; organization and
representation.—

27-00830A-21

202178__

(1) (a) Public employees ~~shall~~ have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.

(b)1. An employee who desires to join an employee organization must sign a membership authorization form with the bargaining agent. The membership authorization form must contain the following acknowledgment in bold letters and in at least a 14-point type:

I acknowledge and understand that Florida is a right-to-work state and that union membership is not required as a condition of employment. I understand that union membership and payment of union dues and assessments is voluntary and that I may not be discriminated against in any manner if I refuse to join or financially support a union.

2. An employee organization must revoke an employee's membership upon receipt of his or her written request for revocation. However, an employee who has authorized the deduction of dues and uniform assessments by his or her employer must also submit notice to his or her employer as provided in s. 447.303 for the revocation of such deductions. If an employee must complete a form to request revocation from the employee organization, the form may not require a reason for the employee's decision to revoke his or her membership.

Section 2. Section 447.303, Florida Statutes, is amended to read:

27-00830A-21

202178__

447.303 Dues; deduction and collection.—

(1) ~~An~~ Any employee organization ~~that~~ which has been certified as a bargaining agent ~~has~~ shall have the right to have its dues and uniform assessments deducted and collected by the employer from the salaries of those employees who authorize the deduction of said dues and uniform assessments.

(2) (a) Deductions shall commence when the employer receives a signed deduction authorization form from the bargaining agent and confirms with the employee, electronically or by other means, that he or she authorized the deduction of dues and uniform assessments.

(b) An employee's authorization to deduct dues and uniform assessments remains in effect until the members of the bargaining unit approve a new collective bargaining agreement with the public employer or for 3 years after the date on which the deduction begins, whichever is earlier.

(c) Notwithstanding paragraph (b), ~~However, such~~ authorization is revocable at the employee's request upon 30 days' written notice to the employer and employee organization. ~~Said deductions shall commence upon the bargaining agent's written request to the employer.~~

(3) Reasonable costs to the employer of said deductions is ~~shall be~~ a proper subject of collective bargaining.

(4) Such right to deduction, unless revoked under ~~pursuant~~ ~~to~~ s. 447.507, is ~~shall be~~ in force for so long as the employee organization remains the certified bargaining agent for the employees in the unit.

(5) The public employer is expressly prohibited from any involvement in the collection of fines, penalties, or special

27-00830A-21

202178__

88 assessments.

89 Section 3. For the purpose of incorporating the amendment
90 made by this act to section 447.303, Florida Statutes, in a
91 reference thereto, subsection (3) of section 110.114, Florida
92 Statutes, is reenacted to read:

93 110.114 Employee wage deductions.—

94 (3) Notwithstanding the provisions of subsections (1) and
95 (2), the deduction of an employee's membership dues deductions
96 as defined in s. 447.203(15) for an employee organization as
97 defined in s. 447.203(11) shall be authorized or permitted only
98 for an organization that has been certified as the exclusive
99 bargaining agent pursuant to chapter 447 for a unit of state
100 employees in which the employee is included. Such deductions
101 shall be subject to the provisions of s. 447.303.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/10/2021

Meeting Date

SB 78

Bill Number (if applicable)

Topic Dues and Uniform Assessments

Amendment Barcode (if applicable)

Name LAKAY LOVE

Job Title _____

Address 1571 Melvin St
Street

Phone 850-345-0018

Tallahassee FL 32301
City State Zip

Email lakay@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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S-001 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

2/10/21

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

78

Bill Number (if applicable)

Topic Dues and Uniform Assessments

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N Adams St

Phone 224-7173

Street

Tallahassee

FL

32312

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

Reset Form

2/10/21

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

0078

Meeting Date

Bill Number (if applicable)

Topic Dues and Uniform Assessments

Amendment Barcode (if applicable)

Name Wayne "Bernie" Bernoska

Job Title President

Address 343 W. Madison St.

Phone 321-231-9116

Street

Tallahassee

Florida

32301

Email bernie@fpfp.org

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Professional Firefighters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/10/2021

Meeting Date

SB 78

Bill Number (if applicable)

Topic Dues and Assessments

Amendment Barcode (if applicable)

Name Matt Puckett

Job Title Lobbyist

Address 300 East Brevard Street

Phone _____

Street

Tallahassee

Florida

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 Police Benevolent Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/10/21

Meeting Date

78

Bill Number (if applicable)

Topic Dues + Uniform Assessments

Amendment Barcode (if applicable)

Name Karen Woodall

Job Title Director

Address 579 E. Coll St.

Street

Phone 850-321-9386

Tallahassee FL 32301

City

State

Zip

Email flsep@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Center for Fiscal & Economic Policy

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

78
Bill Number (if applicable)

Meeting Date

Topic Dues Deduction

Amendment Barcode (if applicable)

Name Lisa Henning

Job Title Legislative Director

Address 242 Office Plaza

Phone 850-766-8808

Tallahassee FL 32301
City State Zip

Email lphlegislative@payl.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Fraternal Order of Police

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-10-21

Meeting Date

SB 78

Bill Number (if applicable)

Topic Unions

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title Legislative Specialist

Address 213 S. Adams St.

Phone 850-320-4208

Street

Tallahassee

City

FL

State

32312

Zip

Email Stephanie.Kunkel@

floridaea.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Education Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/10/20

Meeting Date

5B78

Bill Number (if applicable)

Topic Union Dues

Amendment Barcode (if applicable)

Name Mr. Rich Templin

Job Title _____

Address 135 S. Monroe

Phone 229 - 6926

Street

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 AFL-CIO

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-10-21
Meeting Date

178
Bill Number (if applicable)

Topic Union Busting

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title _____

Address 625 E. Grand St
Street
Tallahassee FL 32308
City State Zip

Phone 251-4280

Email barbadevane1@yahoo

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL NOW & FL Alliance for Retired Americans

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)

2/10/21
Meeting Date

78
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Tim Nungesser

Job Title Legislative Director

Address 110 E. Jefferson St.

Phone 850-445-5367

Street

Tallahassee

City

FL

State

32301

Zip

Email tim.nungesser@flsen.gov

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

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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

2/10/2021

Meeting Date

78

Bill Number (if applicable)

Topic Dues and Uniforms

Amendment Barcode (if applicable)

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S Bronough St

Phone _____

Street

Tallahassee

Florida

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 Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Agriculture
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Criminal Justice
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR JIM BOYD
21st District

February 8, 2021

Senator Jeff Brandes
515 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Brandes:

I am writing to request approval to be excused from the Committee on Judiciary meeting scheduled for February 10, 2021, due to testing positive for Covid-19.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Boyd".

Jim Boyd

cc: Tom Cibula
Joyce Butler
Ronnie Whitaker

REPLY TO:

- ☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- ☐ 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5021

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Judiciary Committee

Judge:

Started: 2/10/2021 9:05:27 AM

Ends: 2/10/2021 11:45:52 AM

Length: 02:40:26

9:05:44 AM Senator Rodrigues explains the bill
9:07:11 AM Taking up amendment for 131790
9:08:12 AM Senator Thurston with questions on amendment
9:08:25 AM Follow up from Senator Thurston
9:09:23 AM Response from Senator Rodrigues
9:09:40 AM Follow up from Senator Thurston
9:10:25 AM Follow up from Senator Thurston
9:10:31 AM Response from Senator Rodrigues
9:10:52 AM Follow up from Senator Thurston
9:11:09 AM Response from Senator Rodrigues
9:11:40 AM Response from Senator Rodrigues
9:11:47 AM Follow up from Senator Thurston
9:11:59 AM Response from Senator Rodrigues
9:12:11 AM Question from Senator Gibson
9:12:25 AM Response from Senator Rodrigues
9:12:40 AM Follow up from Senator Gibson
9:13:08 AM Response from Senator Rodrigues
9:13:40 AM Follow up from Senator Gibson
9:13:52 AM Response from Senator Rodrigues
9:14:13 AM Follow up from Senator Gibson
9:14:34 AM Response from Senator Rodrigues
9:14:54 AM No public testimony on the amendment
9:15:46 AM No debate on the amendment
9:15:56 AM No debate on the amendment
9:15:57 AM Senator Rodrigues closes on amendment
9:16:09 AM amendment adopted without objection
9:16:30 AM Questions from Senator Rouson on bill as amended
9:16:57 AM Response from Senator Rodrigues
9:17:14 AM Follow up from Senator Rouson
9:17:30 AM Response from Senator Rodrigues
9:17:42 AM Question from Senator Polsky
9:18:20 AM Response from Senator Rodrigues
9:18:32 AM Follow up from Senator Polsky
9:18:49 AM Response from Senator Rodrigues
9:19:12 AM Follow up from Senator Polsky
9:19:23 AM Response from Senator Rodrigues
9:19:56 AM Follow up from Senator Polsky
9:20:09 AM Response from Senator Rodrigues
9:20:28 AM Questions from Senator Gibson on bill as amended
9:20:51 AM Response from Senator Rodrigues
9:21:08 AM Follow up from Senator Gibson
9:21:23 AM Response from Senator Rodrigues
9:21:39 AM Questions from Senator Thurston
9:22:10 AM Response from Senator Rodrigues
9:22:34 AM Response from Senator Rodrigues
9:22:37 AM Follow up from Senator Thurston
9:23:38 AM Response from Senator Rodrigues
9:23:50 AM Follow up from Senator Thurston
9:24:03 AM Response from Senator Rodrigues
9:24:22 AM Follow up from Senator Thurston
9:24:57 AM Response from Senator Rodrigues
9:25:13 AM Follow up from Senator Thurston

9:25:23 AM Response from Senator Rodrigues
 9:25:42 AM Follow up from Senator Rodrigues
 9:26:08 AM Questions from Senator Rouson
 9:26:31 AM Response from Senator Rodrigues
 9:26:50 AM No more questions
 9:27:08 AM Public testimony
 9:27:17 AM Lisa Henning, Fraternal Order of Police speaking against
 9:28:17 AM Stephaine Kunkel, Florida Education Association - speaking against
 9:30:01 AM Dr. Rich Templin, Florida AFL-CIO - Speaking Against
 9:32:58 AM Barbara DeVane, FL NOW & Florida Alliance for Retired Americans - Waive Against
 9:34:00 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:21 AM Tim Nungesser, NFIB - Waive Against
 9:34:23 AM Christopher Emmanuel, waive in support
 9:34:56 AM Lakey Love, waive against
 9:35:15 AM Christopher Emmanuel, FI Chamber of Commerce - Speaking in Support
 9:35:58 AM Brewster Bevis, Associated Industries of Florida - waive in support
 9:36:30 AM Wayne Bernoska, Florida Professional Firefighters waive against
 9:36:57 AM Questions from Senator Thurston
 9:37:40 AM Debate on the bill as amended
 9:38:04 AM Debate from Senator Gibson
 9:39:31 AM Senator Bradley in debate
 9:40:41 AM Senator Polsky in debate
 9:42:06 AM Senator Rouson in debate
 9:43:14 AM Senator Thurston in debate
 9:44:33 AM Senator Baxley in debate
 9:47:11 AM Senator Rodrigues to close on SB 78
 9:48:55 AM Roll call vote on CS for SB 78 - Favorably
 9:49:57 AM Chair turn over to Gisbon
 9:50:16 AM Senator Brandes to explains SB 74 - Claims Against Health Care Providers
 9:51:13 AM Senator Brandes to explains SB 74 - COIVD- 19 Claims Against Health Care Providers
 9:56:29 AM Four Amendments on the bill
 9:57:31 AM Senator Polsky explains amendment 741454
 9:59:03 AM No questions on the amendment
 10:00:02 AM Public Testimony
 10:00:17 AM Public Testimony
 10:00:18 AM Barbara DeVane in support
 10:00:33 AM David Mica, waive against
 10:00:49 AM Mark Delegal, The Doctors Company, Pro Assurance Corp, Mag Mutual I- Speaking against
 10:01:38 AM Toby Phhillpot, Wiave against
 10:02:36 AM Brewster Beivs, waive against
 10:02:54 AM Steve Cain, Florida Justice Association - Speaking For
 10:03:52 AM Robin Khanal, speaking against
 10:05:35 AM Tim Nungesser, NFIB - No show
 10:06:41 AM David Serdar, representing himself giving information
 10:08:29 AM NO debate on the amendment
 10:09:24 AM Senator Brandes provides comments on Senator Polskys amendment
 10:10:05 AM Senator Polsky provides comments and closes on amendment
 10:11:05 AM Amendment not adopted
 10:11:52 AM Senator Polsky explains amendment #549454
 10:12:18 AM No questions on the amendment
 10:13:19 AM Public Testimony
 10:13:30 AM Public Testimony
 10:13:31 AM Toby Phillpot, waiving against
 10:13:42 AM Barabra Devane, waive in support
 10:14:02 AM Tim Nungesser waive against

10:14:23 AM David Mica, waive against
10:14:35 AM Brewster Bevis, waive against
10:14:52 AM Mark Delegal, The Doctors Company, ProAssurance Corp. MagMutual - Speaking Against
10:15:44 AM Steven Watrel, Nursing Residents - Speaking for
10:18:57 AM Robin Khanal, speaking against amendment
10:21:01 AM Senator Thurston with question of Robin Khanal
10:21:47 AM Response from Mr. Khanal
10:21:56 AM Follow up from Senator Thurston
10:22:39 AM Response from Mr. Khanal
10:22:50 AM Debate on the amendment
10:23:44 AM Senator Brandes in debate
10:25:17 AM Chair Gibson in debate
10:25:35 AM Chair Gibson in debate
10:26:17 AM Senator Polsky closes on amendment
10:27:46 AM Roll call vote on amendment 549454
10:28:47 AM Amendment not adopted
10:29:06 AM Senator Rouson to explain amendment 788120
10:29:47 AM No questions on amendment
10:30:47 AM Public testimony
10:30:56 AM Barbara devane, waive in support
10:31:14 AM David Mica, waive against
10:31:46 AM Tim Parson waive against
10:31:56 AM Brewster Bevis waive against
10:32:07 AM Toby Philpot waive against
10:32:24 AM Mark Delegal, speaking against
10:33:37 AM Senator Rouson with questions of Mr. Delegal
10:34:01 AM Response from Mr. Delegal
10:34:15 AM Follow up from Senator Rouson
10:34:54 AM Response from Mr. Delegal
10:35:29 AM Response from Mr. Delegal
10:35:54 AM William Large, Florida Justice Reform Institute - Speaking Against
10:37:13 AM William Large, Florida Justice Reform Institute - Speaking Against
10:37:22 AM Steven Cain, Florida Justice Association - Speaking for the Amendment
10:39:47 AM David Serdar, representing himself, providing information
10:41:12 AM Senator Brandes in opposition to the amendment
10:42:12 AM Senator Rouson closes on the amendment
10:42:29 AM Amendment not adopted
10:42:44 AM Senator Thurston explains amendment #924394
10:44:46 AM Senator Rouson with question on amendment
10:45:23 AM Response from Senator Thurston
10:46:08 AM Public Testimony
10:47:09 AM Barbara Devane, waive in support
10:47:28 AM Tim Parson, waive against
10:47:49 AM Tim Nungesser, waive against
10:48:05 AM Brewster Bevis, waive against
10:48:21 AM Davis Mica, waive against
10:48:34 AM Toby Phipot, waive against
10:48:49 AM Mark Delegal, speaking against
10:49:20 AM Senator Thurston with a question for Mr. Delegal
10:49:40 AM Robin Khanal, Speaking Against
10:51:03 AM Steve Watrel, Nursing Home Residents - Speaking For
10:53:01 AM Senator Brandes in Debate on Amendment
10:53:39 AM Chair Gibson in debate on the amendment
10:54:33 AM Senator Thurston closes on the amendment
10:56:39 AM Amendment not adopted
10:57:43 AM Back on bill as amended
10:57:57 AM Senator Thurston with comments on the bill
10:58:50 AM Senator Thurston with questions to Senator Brandes on bill
10:59:19 AM Response from Senator Brandes
10:59:40 AM Follow up from Senator Thurston
10:59:53 AM Response from Senator Brandes
11:00:09 AM Follow up from Senator Thurston

11:00:40 AM Response from Senator Brandes
11:01:15 AM Response from Senator Brandes
11:01:22 AM Response from Senator Brandes
11:01:22 AM Senator Polsky with questions on the bill as not amendment
11:01:51 AM Response from Senator Brandes
11:02:01 AM Follow up from Senator Polsky
11:02:16 AM Response from Senator Brandes
11:02:57 AM Follow up from Senator Polsky
11:03:54 AM Response from Senator Brandes
11:04:31 AM Response from Senator Brandes
11:04:48 AM Public Testimony on bill
11:06:30 AM Donna Fudge, Florida Health Care Association - Speaking for
11:08:58 AM Katoria Westbrook, Centre Pointe Health and Rehab - Speaking For
11:10:40 AM Ida Eskamani, Florida Rising - Speaking Against
11:12:02 AM William Large, Florida Justice Reform Institute - Speaking For
11:12:35 AM Joel Anderson, LifeStar Living - Speaking for
11:13:32 AM Steven Watrel, Nursing Home Residents - Speaking Against
11:14:40 AM Brewster Bevis, Associated Industries of Florida - Speaking For
11:15:43 AM Brian Bursa, ALF and Nursing Homes - Speaking For
11:16:41 AM David Mica, Jr., Florida Hospital Association - Speaking For
11:17:46 AM Carolyn Johnson, Floria Chamber of Commerce - Speaking For
11:18:19 AM Carolyn Johnson, Florida Chamber of Commerce - Speaking For
11:19:25 AM Senator Rouson with questions
11:19:53 AM Response from Ms. Johnson
11:20:05 AM Barbara DeVane, FL NOW & Florida Alliance for Retired Americans - Speaking Against
11:21:42 AM Jason Hand, Florida Senior Living Association - Speaking For
11:23:43 AM Kirsten Ullman, Ullman Bursa Law - Speaking For
11:25:09 AM Robin Khanal, Speaking For
11:26:38 AM Steven Cain, Florida Justice Association - Speaking Against
11:27:39 AM David Serdar, Representing Himself - Providing Information
11:29:18 AM No further public testimony
11:30:20 AM Senator Polsky in debate on the bill
11:32:34 AM Senator Thurston in debate
11:34:48 AM Senator Baxley in debate
11:37:14 AM Chair Gibson in debate
11:40:57 AM No further debate on the bill
11:41:58 AM Senator Brandes closes on the bill
11:43:16 AM Roll call vote on SB 74
11:44:17 AM Bill reported favorably
11:44:53 AM Bill reported favorably
11:44:55 AM Meeting adjourned