



TRIAL LAWYERS SECTION
THE FLORIDA BAR

LEGISLATIVE REPORT

April 11, 2008

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Weekly Wrap Up

SESSION 2008, WEEK 6

TRIAL LAWYERS SECTION OF THE FLORIDA BAR

Dear FLATLS Members,

This week's focus was again on the budget, as the legislature again wrangled with how to handle a deficit of \$5 billion compared to a year ago.

FLATLS Chairman Bob Palmer visited Tallahassee on Thursday to meet with key legislators to resent the Trial Lawyers Section's view on new fees and court funding deficits. We also discussed how the section could be a resource for them and for staff. **Chair Palmer**, with input from **Treasurer Glenn Burton**, drafted a letter that stated the view as to the court funding issues. We met with **Representative Ambler**, who is on the **House Courts Committee** and practices law in Tampa. We also met with **Eric Maclure**, staff director for the **Senate Judiciary Committee**, who is anxious to use the expertise and experience of the Trial Layers Section of the Florida Bar for bill analysis and possibly for upcoming interim projects during the summer. We discussed the [Arbitration Code bill](#) with the bill sponsor, **Sen. Deutch**, who is also an attorney and on the **Senate Judiciary Committee**. Other meetings included **Rep. Gardiner**, Chair of the **Committee on State Affairs** and **Sen. Storms**, an attorney and teacher, new to the Senate. We look forward to **Chair Palmer** and others returning to Tallahassee and taking part in the legislative process.

****To best view the links, you may need to right click and open weblink in browser****

UPDATE:

Appropriations

On Wednesday, April 9th, the Senate passed their appropriations bill, [SB 2900](#), favorably on the Senate floor, with a vote of 26 YEAS, 12 NAYS. [HB 5001](#), the House appropriations bill, was passed favorably on the House floor, on Thursday, April 10th, with a vote of 72 YEAS and 41 NAYS. We are expecting conferees from the House and Senate to be selected next week, with "horse trading" to begin shortly thereafter.

OPPAGA Report 08-17

Persons deemed incompetent to proceed must undergo competency restoration training before they can stand trial for criminal charges. Defendants who are deemed a danger to themselves or others are served in secure forensic facilities, while others receive competency restoration training in the community under conditional release. The estimated cost to restore competency in community settings is lower than that of forensic facilities.

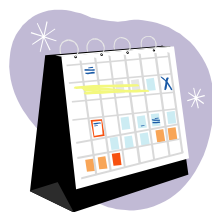
The number of defendants with mental illness adjudicated incompetent to proceed is estimated to have doubled over the last four fiscal years. This increase is due, in part, to an increase in felony arrests and felony filings, as well as greater numbers of persons with mental illness coming into contact with the criminal justice system.

[Click here](#) for the full OPPAGA report.

NEWS & NOTES:

- "Ninth Circuit Chief Judge Belvin Perry calls leaders to fight proposed cuts on state courts" [reports](#) the *Orlando Sentinel*. Last week, Judge Perry addressed the Senate Criminal & Civil Justice Appropriations Committee, calling the proposed cuts a "stake through the heart" of the court system.
- Judge Raoul Cantero III, the first Hispanic to serve on the Florida Supreme Court [will resign](#) in September.
- The *Orlando Sentinel* [reports](#) that "Central Florida's state attorneys battle cuts as assistants try most cases".
- "State cuts threaten Broward's traffic courts" [reports](#) the *Miami Herald*.
- The "[state could jack up fees](#)" while Rubio says the last thing people need is a tax increase.
- Robert Wesley, public defender for the **Ninth Judicial Circuit**, [reports](#) to the *Orlando Sentinel* "2 suggestions for Florida Courts to reduce costs: Suspend death penalty, decriminalize misdemeanors"

DATES & DEADLINES:



[Click here](#) for view next week's HOUSE calendar.

[Click here](#) to view next week's SENATE calendar.

*Tentative calendars subject to change.

IMPORTANT DATES:

April 22nd
50th day – last day for regularly scheduled committee meetings

April 28th
All bills are immediately certified Conference Committee Reports require only one reading

May 2nd
60th day - Last Day of Regular Session 2008

June 12th
Last day to file for candidacy

August 26th
Primary Election

November 4th
General Election

BILLS OF INTEREST: Below is a list of bills that we are monitoring in the House and Senate. Bills we are following closely are listed first, followed by bills with recent activity and bills that we are continuing to monitor.

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PRIORITY BILLS

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HB 295 – Senior Judges

GENERAL BILL by Planas (**Similar [SB 740](#)**)

Senior Judges: Revises definition of terms "retired justice" & "retired judge" for purposes of assignment to temporary duty.

EFFECTIVE DATE: July 1, 2008

11/26/07 HOUSE Filed

12/12/07 HOUSE Referred to *Safety & Security Council*

12/19/07 HOUSE Referred to *Committee on Courts* by *Safety & Security Council*

03/03/08 HOUSE **On Committee Agenda – Courts** 03/05/08

03/05/08 HOUSE **Favorable with 1 Amendment by Courts; 6 Yeas, 0 Nays; Now in Safety & Security Council**

03/28/08 HOUSE **On Council agenda-- Safety & Security Council, 04/01/08,**

04/01/08 HOUSE **CS by- Safety & Security Council; YEAS 10 NAYS 5**

04/03/08 HOUSE CS filed

[Click here](#) for more information.

SB 740 – Retired Judges/Temporary Duty Assignment [LPCC]

GENERAL BILL by Dean (**Similar [HB 295](#)**)

Retired Judges/Temporary Duty Assignment [LPCC]: Revises the definition of "retired justice" and "retired judge" for purposes of assignment to temporary duty, etc.

Effective Date: 07/01/2008

12/10/07 SENATE Filed

01/09/08 SENATE Referred to *Judiciary*

03/27/08 SENATE **On Committee agenda-- Judiciary, 04/01/08, 1:00 pm, 110-S --Not considered**

04/03/08 SENATE **On Committee agenda-- Judiciary, 04/08/08, 10:45 am**

04/08/08 SENATE **CS by- Judiciary; YEAS 7 NAYS 2**

04/10/08 SENATE Pending reference review -under Rule 4.7(2); **Placed on Calendar, on 2nd reading**

[Click here](#) for more information.

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HB 1219 – Florida Arbitration Code

GENERAL BILL by McBurney (**Similar [SB 2076](#)**)

Florida Arbitration Code: Revises Florida Arbitration Code; revises & provides provisions relating to arbitration proceedings, arbitrator selection, rights & duties of parties & arbitrators, disclosure, awards, fees, awarding of damages, discovery, notice requirements, & compliance with other acts.

Effective Date: July 1, 2008

02/28/08 HOUSE Filed

03/04/08 HOUSE Introduced -HJ 00100

03/07/08 HOUSE Referred to *Safety & Security Council*

03/10/08 HOUSE Referred to *Constitution & Civil Law (SS)* by *Safety & Security Council* -HJ 00221

[Click here](#) for more information.

SB 2076 – Florida Arbitration

GENERAL BILL by Deutch (Similar [HB 1219](#))

Arbitration [LPCC]; Provides that the Florida Arbitration Code does not apply to certain insurance policies. Provides that mandatory binding arbitration is void and unenforceable except as provided by federal law. Provides that a financial or personal interest in the outcome of a proceeding or an existing or past relationship with a party constitutes grounds for removal of the arbitrator, etc.

EFFECTIVE DATE: 07/01/2008.

02/20/08 SENATE Filed

03/07/08 SENATE Referred to *Judiciary; Commerce; Banking and Insurance; Criminal and Civil Justice Appropriations*

03/11/08 SENATE Introduced -SJ 00172

03/20/08 SENATE **On Committee agenda**-- Judiciary, 03/25/08, 12:45 pm

03/25/08 SENATE **Favorable** with 1 amendment(s) by *Judiciary*;

YEAS 7 NAYS 4 -SJ 00372

03/26/08 SENATE Now in *Commerce* -SJ 00372

03/27/08 SENATE **On Committee agenda**-- Commerce, 04/01/08, 9:30 am

04/01/08 SENATE **Favorable** with 1 amendment(s) by *Commerce (656046)*;

YEAS 5 NAYS 3

04/02/08 SENATE Now in *Banking and Insurance*

[Click here](#) for more information.

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HB 1341 – Contingency Fee Agreements Between State Entities and Private Attorneys

GENERAL BILL by Cannon (Similar [SB 2430](#))

Contingency Fee Agreements Between State Entities and Private

Attorneys; Prohibits DLA from entering into contingency fee contract with private attorney unless AGO makes written determination before entering into such contract that contingency fee representation is both cost-effective & in public interest; requires written determination to include certain findings; requires AGO, upon making his or her written determination, to request proposals from private attorneys to represent DLA on contingency fee basis unless AGO determines in writing that requesting such proposals is not appropriate under the circumstances; provides that written determination does not constitute final agency action; provides that request for proposals & contract award are not subject to challenge under APA; requires maintenance of specified records; limits amount of contingency fee that may be paid to private attorney pursuant to contract with DLA; requires Internet posting of specified information.

Effective Date: July 1, 2008

03/03/08 HOUSE Filed

03/05/08 HOUSE Referred to *Safety & Security Council; Policy & Budget Council*

03/07/08 HOUSE Referred to *Committee on Constitution & Civil Law* by *Safety & Security Council*

03/10/08 HOUSE Referred to *Constitution & Civil Law (SS)* by *Safety & Security Council* -HJ 00222

03/17/08 HOUSE **On Committee agenda**-- *Constitution & Civil Law (SS)*, 03/19/08, 8:00 am, 24-H

03/19/08 HOUSE **Favorable** with 1 amendment(s) by *Constitution & Civil Law (SS)*; **YEAS 4 NAYS 3** -HJ 00313; Now in *Safety & Security Council* -HJ 00313

03/24/08 HOUSE **On Council agenda**-- *Safety & Security Council*, 03/26/08

03/26/08 HOUSE **CS** by *Safety & Security Council*; **YEAS 13 NAYS 3** -HJ 00366

03/28/08 HOUSE **CS** read 1st time on 03/28/08 -HJ 00360; **CS** filed

03/31/08 HOUSE Referred to- *Calendar* -HJ 00366

04/02/08 HOUSE Placed on Special Order Calendar; Read 2nd time -HJ 00385; Read 3rd time -HJ 00389; **CS passed; YEAS 78 NAYS 37** -HJ 00389

04/09/08 SENATE **In Messages** -SJ 00519

[Click here](#) for more information.

SB 2430 – Relating to Contingency Fee Agreements

GENERAL BILL by Webster (Similar [HB1341](#))

Contingency Fee Agreements; Prohibits the Department of Legal Affairs of the Office of the Attorney General from entering into a contingency fee contract with a private attorney unless the Attorney General makes a written determination before entering into such a contract that contingency fee representation is both cost-effective and in the public interest, etc.

EFFECTIVE DATE: 07/01/2008.

02/28/08 SENATE Filed

03/13/08 SENATE Introduced, referred to *Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations* -SJ 00273

[Click here](#) for more information.

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BILLS WITH RECENT ACTIVITY

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SB 92 – Relating to Persons Injured by Crime/Medical Treatment

GENERAL BILL/CS by Judiciary; Villalobos; (CO-INTRODUCERS) Gaetz; Dockery (Similar CS/[HB 9](#))

Persons Injured by Crime/Medical Treatment [LPCC]; Creates the "Pastora Pacheco Aid to Victims Act". Provides that depriving medical treatment to a victim of a crime with intent to avoid, delay, hinder, or obstruct any investigation of criminal activity contributing to the injury is a criminal offense. Provides that felony penalties apply if a victim's medical condition worsens or deprivation of medical care contributes or results in the death of the victim, etc.

EFFECTIVE DATE: 10/01/2008.

09/06/07 SENATE Filed

11/28/07 SENATE Referred to *Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations*

12/26/07 SENATE **On Committee agenda--** *Criminal Justice*, 01/08/08,

01/08/08 SENATE Favorable by Criminal Justice; YEAS 8 NAYS 0

01/09/08 SENATE Now in *Judiciary*

01/15/08 SENATE **On Committee agenda--** *Judiciary*, 01/23/08, 9:00 am, 110-S

01/23/08 SENATE CS by Judiciary; YEAS 8 NAYS 0

01/24/08 SENATE Pending reference review under Rule 4.7(2)

02/05/08 SENATE Now in *Criminal and Civil Justice Appropriations*

03/04/08 SENATE Introduced, referred to *Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations* -SJ 00010; **On Committee**

agenda-- *Criminal Justice*, 01/08/08, 2:00 pm, 401-S;

Favorable by Criminal Justice; YEAS 8 NAYS 0 -SJ 00130;

Now in *Judiciary* -SJ 00130; **On Committee agenda--** *Judiciary*,

01/23/08, 9:00 am, 110-S; **CS by Judiciary; YEAS 8 NAYS 0**

-SJ 00131; CS read 1st time on 03/04/08 -SJ 00122; Pending

reference review under Rule 4.7(2); Now in *Criminal and Civil*

Justice Appropriations -SJ 00131

04/07/08 SENATE **On Committee agenda--** *Criminal and Civil Justice*

Appropriations, 04/10/08, 2:30 pm, 37-S

04/10/08 SENATE Favorable by- Criminal and Civil Justice Appropriations;

YEAS 5 NAYS 0

[Click here](#) for more information.

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SB 300 - Relating to Service of Process [LPCC]

GENERAL BILL by Crist (Similar [HB 209](#))

Service of Process [LPCC]; Increases the fees charged by the sheriff in civil cases for service of process from \$20 to \$40. Exempts the state and its agencies from increased fees. Deletes a prohibition on additional fees for alias and pluries documents when service was not affected on the original document in the county of original request by that sheriff, etc.

EFFECTIVE DATE: 07/01/2008.

09/24/07 SENATE Filed

11/28/07 SENATE Referred to *Judiciary; Criminal Justice; Criminal & Civil Justice Appropriations*

01/15/08 SENATE **On Committee agenda-- Judiciary, 01/23/08, 9:00 am, 110-S**

01/23/08 SENATE **CS by Judiciary, YEAS 8 NAYS 0**

01/24/08 SENATE Committee Substitute (C1) Text Filed

02/05/08 SENATE Now in *Criminal Justice*

02/29/08 SENATE **On Committee agenda - Criminal Justice, 03/05/08**

03/05/08 SENATE **Favorable by Criminal Justice; 9 Yeas, 0 Nays; Now in Criminal and Civil Justice Appropriations**

04/03/08 SENATE **On Committee agenda-- Criminal and Civil Justice Appropriations, 04/08/08, 1:00 pm, 37-S**

04/08/08 SENATE **Favorable by- Criminal and Civil Justice Appropriations; YEAS 5 NAYS 0 -SJ 00478; Placed on Calendar, on 2nd reading -SJ 00479**

04/10/08 SENATE Placed on Special Order Calendar; **Read 2nd time -SJ 00518** [Click here](#) for more information.

HB 209 – Service of Process

GENERAL BILL by Seiler (Similar [SB 300](#))

Service of Process: Allows criminal witness subpoenas & summonses to be served by special process server appointed by sheriff or certified process server; allows unsatisfied executions held by sheriff docketed before specified date or held after specified time period to be returned to issuing court; requires submission of affidavit before levying judgment on real property; requires sheriff to furnish copy of notice of sale, notice of levy, & affidavit within specified period; requires priority of liens on real property be based on effective date of judgment lien; requires levying creditor to deliver affidavit to sheriff at time of levy request setting forth certain information & attestations; authorizes clerks of court to transmit facsimile copies of previously certified injunctions in cases of domestic violence or sexual abuse to sheriffs on request; requires sheriffs to verify receipt before attempting service; authorizes law enforcement officers to serve facsimiles the same as certified copies.

EFFECTIVE DATE: October 1, 2008

10/30/07 HOUSE Filed

12/12/07 HOUSE Referred to *Safety & Security Council; Policy & Budget Council*

12/19/07 HOUSE Referred to *Committee on Courts* by *Safety & Security Council*

1/16/08 HOUSE **On Committee agenda - Courts, 01/23/08, 1:30 pm, 216 C**

1/23/08 HOUSE **Favorable with 3 Amendment by Courts; 6 Yeas, 0 Nays; Now in Safety & Security Council**

03/04/08 HOUSE Introduced, referred to *Safety & Security Council; Policy & Budget Council -HJ 00022; Referred to Courts (SS) by Safety & Security Council -HJ 00128; On Committee agenda-- Courts*

(SS), 01/23/08, 1:30 pm, 216-C; Favorable with 3 amendment(s) by Courts (SS); YEAS 6 NAYS 0 -HJ 00139; Now in Safety &

Security Council -HJ 00139

03/28/08 HOUSE **On Council agenda-- Safety & Security Council, 04/01/08**

04/01/08 HOUSE **CS by Safety & Security Council; YEAS 15 NAYS 0**

04/03/08 HOUSE CS filed

[Click here](#) for more information.

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SB 572 - Relating to Civil Rights/Sexual Orientation & Familial Status

GENERAL BILL by Deutch (Similar [HB 47](#), Compare [HB 191](#))

Civil Rights/Sexual Orientation & Familial Status; Includes sexual orientation and familial status as impermissible grounds for discrimination under the Florida Civil Rights Act and in public lodging and food services establishments. Includes sexual orientation, familial status, and marital status as impermissible grounds for discrimination under the Fair Housing Act. Defines "disability," deletes the definition of "handicap," and conforms terminology, etc.

EFFECTIVE DATE: 07/01/2008.

10/26/07 SENATE Filed

12/13/07 SENATE Referred to *Commerce; Community Affairs; Judiciary; General Government Appropriations*

03/04/08 SENATE Introduced, referred to *Commerce; Community Affairs; Judiciary; General Government Appropriations -SJ 00037*

04/03/08 SENATE **On Committee agenda**-- Commerce, 04/08/08

04/08/08 SENATE CS by Commerce; YEAS 7 NAYS 1 -SJ 00479; CS read 1st time on 04/09/08 -SJ 00483

04/09/08 SENATE Pending reference review under Rule 4.7(2); *Now in Community Affairs -SJ 00479*

[Click here](#) for more information.

HB 47 – Civil Rights

GENERAL BILL by Skidmore (CO-SPONSORS) Brandenburg; Bucher; Machek; Schwartz (Similar [SB 572](#), Compare [HB 191](#))

Civil Rights; Prohibits discrimination based on sexual orientation, familial status, & marital status; defines terms; conforms terminology.

EFFECTIVE DATE: July 1, 2008

08/01/07 HOUSE Filed

09/10/07 HOUSE Referred to Safety & Security Council; Policy & Budget Council

11/02/07 HOUSE Withdrawn prior to introduction

[Click here](#) for more information.

HB 191 – Relating to Civil Rights/Prohibited Discrimination

GENERAL BILL by Skidmore; (CO-SPONSORS) Taylor; Vana; Bucher; Heller; Sachs; Fitzgerald; Kriseman; Brandenburg; Gibbons; Machek; Jenne; Kiar; L. Garcia; Porth; Randolph; Schwartz; Waldman; Bullard; Meadows; Soto; Long; Fields; Chestnut; Sands (Compare [HB 47](#), [SB 572](#))

Civil Rights/Prohibited Discrimination; Includes sexual orientation, familial status, and gender identity or expression as impermissible grounds for discrimination under the Florida Civil Rights Act and in public lodging and food services establishments. Includes sexual orientation, familial status, gender identity or expression, and marital status as impermissible grounds for discrimination under the Fair Housing Act, etc.

EFFECTIVE DATE: 07/01/2008.

10/11/07 HOUSE Filed

11/09/07 HOUSE Referred to *Safety & Security Council; Policy & Budget Council*

03/05/08 HOUSE Referred to Committee on *Constitution & Civil Law* by *Safety & Security Council*

[Click here](#) for more information.

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HB 869 – Court Costs

GENERAL BILL by Reagan

Court Costs; Increases court cost assessed against any person convicted of violating state penal or criminal statute or convicted municipal or county ordinance or whose adjudication is withheld under specified provisions; increases amount deducted from every bond estreature or forfeited bail bond related to such penal statutes; revises allocation of funds received; requires defendants to pay all outstanding criminal costs & fines prior to court entering order to seal or

expunge criminal history records unless court makes specified written findings.

EFFECTIVE DATE: 07/01/2008

02/07/08 HOUSE Filed

02/13/08 HOUSE Referred to *Safety & Security Council; Policy & Budget Council*

02/21/08 HOUSE Referred to *Committee on Courts* by *Safety & Security Council*

03/04/08 HOUSE Introduced, referred to *Safety & Security Council; Policy & Budget Council* -HJ 00068; Referred to *Courts* (SS) by *Safety & Security Council* -HJ 00135

03/17/08 HOUSE **On Committee agenda**-- *Courts* (SS), 03/19/08

03/19/08 HOUSE **Favorable** with 1 amendment(s) by *Courts* (SS); **YEAS 6 NAYS 0** -HJ 00312; Now in *Safety & Security Council* -HJ 00312

04/07/08 HOUSE **On Council agenda**-- *Safety & Security Council*, 04/09/08

HOUSE **CS** by *Safety & Security Council*; **YEAS 14 NAYS 0**

[Click here](#) for more information.

SB 1110 – Relating to Court Costs

GENERAL BILL/CS by Criminal Justice; Dean (**Compare [HB 869](#)**)

Court Costs [LPCC]; Increases the court cost assessed against any person convicted of violating a state penal or criminal statute or convicted of violating a municipal or county ordinance. Deletes a provision specifying that a person whose adjudication is withheld under specified provisions is also liable for such costs. Increases the amount deducted from every bond estreature or forfeited bail bond related to such penal statutes or ordinances, etc.

EFFECTIVE DATE: 07/01/2008.

01/14/08 SENATE Filed

02/07/08 SENATE Referred to *Criminal Justice; Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations*

03/04/08 SENATE Introduced, referred to *Criminal Justice; Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations* -SJ 00071

03/20/08 SENATE **On Committee agenda**-- *Criminal Justice*, 03/25/08

03/25/08 SENATE **CS** by *Criminal Justice*; **YEAS 7 NAYS 0** -SJ 00346; **CS read 1st time on 03/26/08** -SJ 00349

03/26/08 SENATE Pending reference review under Rule 4.7(2); Now in *Judiciary* -SJ 00346

[Click here](#) for more information.

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HB 145 – Court Actions Involving Families

GENERAL BILL by Planas (**Compare [SB 628](#)**)

Court Actions Involving Families; Provides additional purposes relating to implementing unified family court program in circuit courts.

Effective Date: July 1, 2008.

09/24/07 HOUSE Filed

10/10/07 HOUSE Referred to *Safety & Security Council; Policy & Budget Council*

10/23/07 HOUSE Referred to *Committee on Courts* by *Safety & Security Council*

01/16/08 HOUSE **On Committee agenda** - *Courts*, 01/23/08, 1:30 pm, 216 C

01/23/08 HOUSE **Favorable** with 1 Amendment by *Courts*; **6 Yeas, 0 Nays**

01/28/08 HOUSE Now in *Safety & Security Council*

03/03/08 HOUSE **On Council agenda** – *Safety & Security Council*, 03/05/08

03/05/08 HOUSE **Favorable** with **CS** by *Safety & Security Council*; **15 Yeas, 0 Nays**

03/07/08 HOUSE Committee Substitute (C1) Filed; Now in Now in *Policy & Budget Council*; **On Council agenda** - *Policy & Budget Council*, 03/11/08, 1:00 pm, 212 K;

03/11/08 HOUSE **Favorable** by- *Policy & Budget Council*; **YEAS 32 NAYS 0** -HJ 00283; Placed on Calendar -HJ 00283

[Click here](#) for more information.

SB 628 - Relating to Court Actions Involving Families

GENERAL BILL by Rich (**Compare [HB 145](#)**)

Court Actions Involving Families; Provides legislative intent with respect to implementing a unified family court program. Revises qualifications for guardians ad litem to include a citizen affiliated with a not-for-profit legal aid organization after he or she has completed a positive security background investigation, etc.

EFFECTIVE DATE: Upon becoming law.
11/16/07 SENATE Filed
12/13/07 SENATE Referred to *Children, Families, & Elder Affairs; Judiciary; Criminal & Civil Justice Appropriations*
02/11/08 SENATE **On Committee agenda** – *Children, Families, and Elder Affairs*,
02/20/08 SENATE Favorable with CS by *Children, Families, and Elder Affairs; 7 Yeas, 0 Nays*
02/22/08 SENATE Committee Substitute (C1) Filed
02/27/08 SENATE Now in *Judiciary*
03/06/08 SENATE **On Committee agenda** - *Judiciary*, 03/11/08, 2:00 pm, 110 S
03/11/08 SENATE CS/CS by Judiciary; YEAS 10 NAYS 0 -SJ 00260; CS read 1st time on 03/13/08 -SJ 00281
03/13/08 SENATE Pending reference review under Rule 4.7(2); Now in *Criminal and Civil Justice Appropriations* -SJ 00260
[Click here](#) for more information.

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SB 362 - Relating to Equal Rights for Men and Women [LPCC]

CONCURRENT RESOLUTION by Margolis; (CO-INTRODUCERS) Joyner (Identical [HB 8001](#))
Equal Rights for Men and Women [LPCC]; Ratifies the proposed amendment to the United States Constitution relating to equal rights for men and women, etc.
09/27/07 SENATE Filed
11/28/07 SENATE Referred to *Judiciary; Rules*
03/04/08 SENATE Introduced, referred to *Judiciary; Rules* -SJ 00025
03/27/08 SENATE On Committee agenda-- *Judiciary*, 04/01/08, 1:00 pm, 110-S
04/01/08 SENATE Favorable by Judiciary; YEAS 8 NAYS 3 -SJ 00390
04/02/08 SENATE Now in *Rules* -SJ 00390
[Click here](#) for more information.

HB 8001 – Equal Rights for Men and Women

CONCURRENT RESOLUTION by Planas; (CO-SPONSORS) Brandenburg; Cusack; Fitzgerald; A. Gibson; Jenne; Kiar; Kriseman; Long; Porth; Robaina; Schwartz; Vana; Zapata (Identical [S 0362](#))
Equal Rights for Men and Women; Ratifies the proposed amendment to the United States Constitution relating to equal rights for men and women, etc.
09/24/07 HOUSE Filed
02/14/08 HOUSE Referred to *Government Efficiency & Accountability Council; Policy & Budget Council*
03/04/08 HOUSE Introduced, referred to *Government Efficiency & Accountability Council; Policy & Budget Council* -HJ 00123
[Click here](#) for more information.

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HB 719 - Court Costs

GENERAL BILL by Ford (Compare [SB 608](#))
Court Costs: Provides for waiver of specified services costs for indigent persons; deletes provisions providing for enrollment in payment plans, payment of processing charges, determinations of monthly payment amounts, review of payment plan amounts, & case limitations based upon nonpayment of fees; provides exceptions for imposing state court facilities funding surcharges concurrently for specified purposes.
Effective Date: July 1, 2008
01/23/08 HOUSE Filed
02/06/08 HOUSE Referred to *Safety & Security Council*
02/21/08 HOUSE Referred to *Committee on Courts by Safety & Security Council*
03/04/08 HOUSE Introduced, referred to *Safety & Security Council; Policy & Budget Council* -HJ 00059; Referred to *Courts (SS) by Safety & Security Council* -HJ 00134
03/17/08 HOUSE **On Committee agenda-- Courts (SS)**, 03/19/08, 8:00 am,

216-C --**Not considered**
[Click here](#) for more information.

SB 608 – Relating to Indigent Persons/Court Fees and Penalties [LPCC]

GENERAL BILL by Crist (Compare [HB 719](#))

Indigent Persons/Court Fees and Penalties [LPCC]; Waives civil court costs and fees for a person whose income is equal to or below 150 percent of then-current federal poverty guidelines. Also waives civil court costs and fees for a person who receives Temporary Assistance for Needy Families-Cash Assistance (TANF), poverty-related veteran's benefits, or Supplemental Security Income (SSI), etc.

EFFECTIVE DATE: 07/01/2008.

10/30/07 SENATE Filed

12/13/07 SENATE Referred to *Criminal Justice; Judiciary; Criminal & Civil Justice Appropriations*

03/04/08 SENATE Introduced, referred to *Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations* -SJ 00038

[Click here](#) for more information.

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HB 1443 – Relating to Medical Malpractice

GENERAL BILL by Evers (Similar [SB 1420](#), [SB 2694](#))

Medical Malpractice: Requires certain licensed health care facilities to require licensed doctors of medicine & osteopathic medicine on staff or with staff privileges at facility to comply with financial responsibility requirements; requires facility to be responsible for meeting those requirements with respect to claim against such professional who fails to comply with financial responsibility provisions; provides for indemnification; prohibits issuance of medical malpractice liability insurance policies that only cover legal defense costs of medical negligence or medical malpractice claims; allows such coverage when insured has met financial responsibility requirements by insurance, escrow account, or letter of credit; specifies procedures & exceptions.

Effective Date: July 1, 2008

03/04/08 HOUSE Filed

03/07/08 HOUSE Referred to *Healthcare Council; Policy & Budget Council*

03/13/08 HOUSE Referred to *Health Quality (HC)* by *Healthcare Council*
-HJ 00288

[Click here](#) for more information.

SB 1420 – Relating to Physicians and Osteopathic Physicians [SPCC]

GENERAL BILL by Jones (Similar [HB 1443](#), [SB 2694](#))

Physicians and Osteopathic Physicians [SPCC]; Requires each licensed facility to ensure that doctors of medicine and osteopathic medicine, who are on the facility staff or who have been granted clinical privileges at the facility, are in compliance with financial responsibility requirements, etc.

EFFECTIVE DATE: Upon becoming law.

01/28/08 SENATE Filed

02/21/08 SENATE Referred to *Health Regulation; Banking & Insurance; Judiciary*

03/04/08 SENATE Introduced, referred to *Health Regulation; Banking and Insurance; Judiciary* -SJ 00087

[Click here](#) for more information.

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MONITORED BILLS

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HB 45 – Adoption

GENERAL BILL by Brandenburg (CO-SPONSORS) Heller; Jenne; Kiar; Kriseman; Porth; Sachs; Skidmore; Vana; Waldman (**Similar SB 200**)

Adoption: Provides that person who is homosexual is eligible to adopt child under certain circumstances; requires that certain eligibility criteria be met by clear & convincing evidence; provides that person who is homosexual is eligible to adopt child if child’s parents are deceased, person proposing to adopt child is child’s guardian, & petition, declaration, or will or codicil meeting requirements of act is filed on or after July 1, 2008.

EFFECTIVE DATE: July 1, 2008

07/31/07 HOUSE Filed

09/10/07 HOUSE Referred to *Healthcare Council*

10/12/07 HOUSE Referred to *Committee on Healthy Families by Healthcare Council*

03/04/08 HOUSE Introduced, referred to *Healthcare Council* -HJ 00011;

Referred to *Healthy Families (HC) by Healthcare Council*

-HJ 00126

[Click here](#) for more information.

SB 200 – Relating to Adoption [SPCC]

GENERAL BILL by Rich (**Similar HB 45**)

Adoption [SPCC]: Provides that a homosexual is eligible to adopt a child under certain enumerated circumstances including but not limited to, if the child has resided with the person, the child’s parents are deceased, and the person proposing to adopt the child is the guardian. Provides that certain provisions apply only with respect to a petition, declaration, or will or codicil that is filed or executed on or after July 1, 2008, etc.

EFFECTIVE DATE: 07/01/2008.

09/06/07 SENATE Filed

11/28/07 SENATE Referred to *Children, Families, & Elder Affairs; Judiciary*

03/04/08 SENATE Introduced, referred to *Children, Families, and Elder Affairs; Judiciary* -SJ 00015

[Click here](#) for more information.

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HB 523 – Health Care Providers/Immunity from Civil Damages

GENERAL BILL by Homan (**Similar SB 844**)

Health Care Providers: Provides immunity from civil damages to health care providers providing emergency care or medical consultation services; provides exception; provides for retroactive application.

Effective Date: October 1, 2008

01/14/08 HOUSE Filed

01/23/08 HOUSE Referred to *Safety & Security Council*

01/30/08 HOUSE Referred to *Committee on Courts by Safety & Security Council*

03/04/08 HOUSE Introduced, referred to *Safety & Security Council* -HJ 00042;

Referred to *Courts (SS) by Safety & Security Council*

-HJ 00132

[Click here](#) for more information.

SB 844 - Relating to Health Care Providers/Immunity from Civil Damages [SPCC]

GENERAL BILL by Bennett (**Identical HB 523**)

Health Care Providers/Immunity from Civil Damages [SPCC]: Provides immunity from civil damages to health care providers providing emergency care or medical consultation services to a patient who has an emergency medical condition. Provides immunity unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another, etc.

Effective Date: 10/01/2008

12/19/07 SENATE Filed

01/24/08 SENATE Referred to *Health Regulation; Judiciary*
03/04/08 SENATE Introduced, referred to *Health Regulation; Judiciary*
-SJ 00052

[Click here](#) for more information.

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HB 589 – Civil Remedies

General Bill by Brown (**Similar [SB 882](#)**)

Civil Remedies: Limits actions against insurers to insureds; specifies duty to cooperate with insurers in asserting demands for settlement; provides specified activities as defense in specified actions; revises time periods relating to notices in specified actions; revises notice requirements; provides for preemption of specified civil remedies; provides for effect of judgments; provides criteria for burden of proof in actions against insurers; limits insurer liability for failure to pay policy limits; authorizes parties to request court orders relating to unnecessary delay; provides requirements for amending witness lists; limits admissibility of evidence; provides considerations for triers of fact in specified actions; provides construction relating to assigning causes of action.

Effective Date: upon becoming a law

1/17/08 HOUSE Filed

1/24/08 HOUSE Referred to *Safety & Security Council*

03/04/08 HOUSE Introduced, referred to *Safety & Security Council* -HJ 00047;
Referred to *Constitution & Civil Law (SS)* by *Safety &*

Security Council -HJ 00133

[Click here](#) for more information.

SB 882 – Relating to Civil Actions Against Insurers [EPCC]

GENERAL BILL by Baker (**Similar [HB 589](#)**)

Civil Actions Against Insurers [EPCC]: Provides that only an insured of the insurer may bring a civil action against the insurer under specified circumstances. Provides that the remedies specified under these provisions preempt other civil remedies created by statute or common law, etc.

Effective Date: 07/01/2008.

12/21/07 SENATE Filed

01/24/08 SENATE Referred to *Banking & Insurance; Commerce; Judiciary*

03/04/08 SENATE Introduced, referred to *Banking and Insurance; Commerce;*
Judiciary -SJ 00054

[Click here](#) for more information.

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SB 400 - Relating to Insurance/Unfair Competition/Deceptive Acts

GENERAL BILL by Fasano

Insurance/Unfair Competition/Deceptive Acts: Provides that an insurer's failure to offer in this state any kind or line of insurance which it offers in another jurisdiction constitutes an unfair method of competition and unfair or deceptive act, etc.

EFFECTIVE DATE: 07/01/2008.

10/02/07 SENATE Filed

12/13/07 SENATE Referred to *Banking & Insurance; Judiciary*

03/04/08 SENATE Introduced, referred to *Banking and Insurance; Judiciary*
-SJ 00027

[Click here](#) for more information.

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SB 612 - Relating to Judges

GENERAL BILL by Crist

Judges: Expresses the legislative intent to revise laws relating to the number of judges in specified individual circuits and in specified district courts of appeal.

EFFECTIVE DATE: Upon becoming a law.

10/30/07 SENATE Filed
12/13/07 SENATE Referred to *Judiciary; Criminal & Civil Justice Appropriations; Rules*
03/04/08 SENATE Introduced, referred to *Judiciary; Criminal and Civil Justice Appropriations; Rules* -SJ 00038

[Click here](#) for more information.

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SB 1050 - Relating to State Judicial System

GENERAL BILL by Villalobos

State Judicial System; Expresses the legislative intent to revise laws relating to the state judicial system.

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Criminal Justice; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Criminal Justice; Criminal and Civil Justice Appropriations; Rules* -SJ 00066

[Click here](#) for more information.

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SB 1052 – Relating to Individual Rights

GENERAL BILL by Villalobos

Individual Rights; Expresses the legislative intent to enact laws relating to the rights of individuals.

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Criminal and Civil Justice Appropriations; Rules* -SJ 00067

[Click here](#) for more information.

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SB 1054 – Relating to Justice Administrative Commission

GENERAL BILL by Villalobos

Justice Administrative Commission; Expresses the legislative intent to enact laws relating to the Justice Administrative Commission.

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Criminal and Civil Justice Appropriations; Rules* -SJ 00067

[Click here](#) for more information.

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SB 1056 – Relating to State Court System

GENERAL BILL by Villalobos

State Courts System; Expresses the legislative intent to enact laws relating to the state courts system.

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Criminal and Civil Justice Appropriations; Rules* -SJ 00067

[Click here](#) for more information.

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SB 1058 – Relating to Public Records and Meetings

GENERAL BILL by Villalobos

Public Records and Meetings; Expresses the legislative intent to create an exemption from public records and public meetings requirements.

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Governmental Operations; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Governmental Operations; Criminal and Civil Justice Appropriations; Rules -SJ 00067*

[Click here](#) for more information.

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SB 1060 – Relating to State Constitution Amendment

JOINT RESOLUTION by Villalobos

State Constitution Amendment; Proposes an amendment to the State Constitution.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Criminal and Civil Justice Appropriations; Rules -SJ 00067*

[Click here](#) for more information.

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SB 1072 – Relating to Judiciary

GENERAL BILL by Villalobos

Judiciary; Expresses the legislative intent to enact laws relating to the judiciary.

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Criminal and Civil Justice Appropriations; Rules -SJ 00067*

[Click here](#) for more information.

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SB 1074 – Relating to Litigation

GENERAL BILL by Villalobos

Litigation; Expresses the legislative intent to enact laws relating to litigation.

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

01/24/08 SENATE Referred to *Judiciary; Criminal & Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Criminal and Civil Justice Appropriations; Rules -SJ 00067*

[Click here](#) for more information.

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HB 1127 Joint Select Committee of the Legislature

GENERAL BILL by Soto; (CO-SPONSORS) Gibbons; Long ([Compare CS/SB 1636](#))

Joint Select Committee of the Legislature; Requires Legislature to establish joint select committee to study methods of collecting court costs, fees, & fines used by circuit courts & county courts; provides for appointment of committee members; provides for designation of chair & vice chair; requires committee to

submit recommendations for uniform statewide collection method for collecting such costs, fees, & fines.

EFFECTIVE DATE: 07/01/2008.

02/25/08 HOUSE Filed

03/02/08 HOUSE Referred to *Safety & Security Council; Rules & Calendar Council*

03/04/08 HOUSE Introduced, referred to *Safety & Security Council; Rules & Calendar Council* -HJ 00090

03/05/08 HOUSE Referred to *Courts (SS)* by *Safety & Security Council* -HJ 00190

03/17/08 HOUSE **On Committee agenda--** *Courts (SS)*, 03/19/08

03/19/08 HOUSE Favorable with 1 amendment(s) by Courts (SS); YEAS 6 NAYS 0 -HJ 00313; Now in *Safety & Security Council* -HJ 00313

[Click here](#) for more information.

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SB 1636 – Relating to Joint Select Committee of the Legislature/Courts

GENERAL BILL by Ring (**Compare [HB 1127](#)**)

Joint Select Committee of the Legislature/Courts; Requires the Legislature to establish a joint select committee to review methods of collecting court-related fees, service charges, costs, and fines used by circuit courts and county courts, etc.

EFFECTIVE DATE: 07/01/2008.

02/07/08 SENATE Filed

02/27/08 SENATE Referred to *Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations; Rules*

03/04/08 SENATE Introduced, referred to *Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations; Rules* -SJ 00100

03/20/08 SENATE **On Committee agenda--** *Judiciary*, 03/25/08

03/25/08 SENATE CS by Judiciary; YEAS 10 NAYS 0 -SJ 00391; CS read 1st time on 04/02/08 -SJ 00402

03/27/08 SENATE Pending reference review under Rule 4.7(2); Now in *Finance and Tax* -SJ 00391

[Click here](#) for more information.

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SB 2694 – Relating to Medical Malpractice Insurance

GENERAL BILL by Peadar (**Similar [HB 1443](#), [SB 1420](#)**)

Medical Malpractice Insurance; Prohibits an insurer from issuing legal defense coverage for the purpose of providing legal defense services in conjunction with a claim for medical negligence or medical malpractice unless certain conditions exist. Requires that an insurer issuing certain types of legal defense coverage require a physician to show proof that he or she maintains a specified type of financial responsibility, etc.

EFFECTIVE DATE: Upon becoming law.

02/29/08 SENATE Filed

03/20/08 SENATE Introduced, referred to *Banking and Insurance; Health Regulation; Judiciary* -SJ 00303

[Click here](#) for more information.

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LEGISLATIVE BRIEFS: During the course of the legislative cycle, the Trial Lawyers Section may be asked to provide their expertise in the form of “Legislative Briefs” – a neutral statement of one or more aspects of trial law to assist the legislature in its deliberations. We will archive these briefs in this section of our reports.

OTHER POINTS OF INTEREST: Remember that members of the Florida Legislature receive information from a number of sources prior to and during the Legislative session. One of those sources is called the Florida Government Accountability Report (FGAR), which is published by the Office of Program Policy Analysis & Government Accountability (OPPAGA).

These reports contain basic information about every agency of state government, including the entire court system. If you would like to see the information that is provided to legislators on the court system, which was last updated on November 16, 2007, please review the following links.

The entire State Court System

<http://www.oppaga.state.fl.us/profiles/1072/>

The Florida Supreme Court:

<http://www.oppaga.state.fl.us/profiles/1014/>

The District Courts of Appeal:

<http://www.oppaga.state.fl.us/profiles/1019/>

The Circuit Courts:

<http://www.oppaga.state.fl.us/profiles/1015/>

The County Courts:

<http://www.oppaga.state.fl.us/profiles/1018/>

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Calendars



Weekly Schedule of the House of Representatives

Week 7

April 14, 2008 - April 18, 2008

Monday, Day 42 April 14, 2008	Tuesday, Day 43 April 15, 2008	Wednesday, Day 44 April 16, 2008	Thursday, Day 45 April 17, 2008	Friday, Day 46 April 18, 2008
<p>Notice deadline, 4:30 pm April 10, 2008</p> <p>TRAVEL</p>	<p>Notice deadline, 4:30 pm April 11, 2008</p> <p>8:00 – 9:00 Joint Legislative Auditing Committee</p> <p>9:00 – 1:00 Policy & Budget Council 212K</p>	<p>Notice deadline, 4:30 pm April 14, 2008</p> <p>8:00 – 9:00 Reserved for Conference</p> <p>9:00 – 10:30 Governmental Efficiency & Accountability Council Morris Hall</p> <p>10:00 – 10:30 Safety & Security Council Reed Hall</p> <p>11:00 – 5:00 SESSION</p>	<p>Notice deadline, 4:30 pm April 15, 2008</p> <p>8:00 – 9:00 Reserved for Conference</p> <p>8:00 – 10:00 Healthcare Council Morris Hall</p> <p>10:30 – 12:00 SESSION</p>	<p>Notice deadline 2 hours prior to meeting April 18, 2008</p> <p>8:00 – 9:00 Reserved for Conference</p> <p>10:00 – 1:00 SESSION</p>
12:00 – 1:00 LUNCH				
<p>1:00 – 3:00 Select Committee on Autism & Developmental Disorders 404H</p> <p>3:15 – 6:00 Policy & Budget Council 212K</p> <p>6:10 – 6:20 <i>or upon the adjournment of the Policy & Budget Council</i> Rules & Calendar Council 212K</p>	<p>1:10 – 1:20 <i>or upon the adjournment of the Policy & Budget Council</i> Rules & Calendar Council 212K</p> <p>4:00 – 5:00 Jobs & Entrepreneurship Council Morris Hall</p> <p>5:00 – 6:00 Reserved for Conference</p>	<p>5:00 – 6:00 Reserved for Conference</p>	<p>1:00 – 2:00 Legislative Budget Commission</p> <p>2:00 – 5:00 SESSION</p> <p>??? Rules & Calendar Council 404H</p> <p>5:00 – 6:00 Reserved for Conference</p>	<p>5:00 – 6:00 Reserved for Conference</p>

Week 7 April 14 - 18, 2008

4/9/08 8:55 pm

Tentative calendar subject to change. Check meeting notices for accurate meeting time. Up to the minute information may be found at <http://www.myfloridahouse.gov/Sections/HouseCalendar/housecalendar.aspx> or select "House Daily Schedule" at <http://www.myfloridahouse.gov>. When using the web page, select the appropriate date to view meeting schedules. Meetings must be scheduled by notice deadlines above but may be subject to change.

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 7

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
April 14, 2008	April 15, 2008	April 16, 2008	April 17, 2008	April 18, 2008
	<p>8:00-9:00am –Joint Legis. Auditing Committee</p> <p>9:00-10:30am - (EPCC) Banking and Insurance 412K Commerce 401S Regulated Industries 110S Transportation 37S</p> <p>10:45-12:15pm - (SPCC) Child/Fam/ElderAff. 412K Education Pre-K-12 110S Health Policy 301S Health Regulation 401S Higher Education 37S</p>	<p>8:00-9:00am Conference</p> <p>9:30-12:00n – Session</p>	<p>8:00-9:00am Conference</p> <p>9:15-1:00pm – Session</p>	<p>8:00-9:00am Conference</p>
	<p>2:15-4:00pm (FPCC) Crim.& Civil Justice AP 37S Education Pre-K-12 AP 412K Finance & Tax 301S Gen. Govt. AP 401S Health/Human Svcs.AP 110S Higher Education AP 117K Trans.Econ.Dev. AP 309C</p> <p>4:15-5:00pm – PCC Meetings</p>	<p>1:00-2:45pm – Session</p> <p>3:00-4:30pm - (LPCC) Criminal Justice 401S Ethics and Elections 412K Judiciary 110S MilitaryAf/Domestic S. 301S</p>	<p>1:00-2:00pm – Legislative Budget Commission</p> <p>2:00-3:30pm - (RPCC) Agriculture 37S Comm/Public Utilities 301S Community Affairs 412K Environ/Pres/Conserv. 401S Govt. Operations 110S</p> <p>4:00-5:00pm PCC Meetings</p>	<p>Conference – TBA</p>
	<p>5:00-6:00pm Conference</p>	<p>5:00-6:00pm Conference</p>	<p>5:00-6:00pm Conference</p>	<p>Passover – Sundown/19th</p>

REMEMBER: THE OFFICIAL CALENDAR IS PRINTED BY THE SECRETARY OF THE SENATE.
 THIS TENTATIVE SCHEDULE IS SUBJECT TO CHANGE.

April 4, 2008

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