



MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

LEGISLATIVE REPORT

2009 SESSION

TRIAL LAWYERS SECTION, THE FLORIDA BAR

December, 2008

CALENDAR OF EVENTS

December 8-12, 2008
SENATE

Interim Committee Meetings

December 15-18, 2008
SENATE

Appropriations Interim
Committee Meetings
HOUSE

Interim Committee Meetings

January 5-9, 2009
SENATE & HOUSE

Interim Committee Meetings

January 12-16, 2009
SENATE & HOUSE

Interim Committee Meetings

February 2-6, 2009
SENATE & HOUSE

Interim Committee Meetings

February 9-13, 2009
SENATE

Appropriations Interim
Committee Meetings
HOUSE

Interim Committee Meetings

February 16-20, 2009
SENATE & HOUSE

Interim Committee Meetings

March 3, 2009

Regular Session Convenes

March 3, 2009

12:00 noon

Deadline for filing bills for
introduction

CONT'D

Dear TLS-FB Members:

The Florida Legislature met for **Organizational Session** on November 18th. New Senate and House members were sworn into office. The Senate and House have now both issued proposed schedules of interim committee meeting dates and began committee structuring. Both Chambers issued several resolutions stating Rules and Joint Rules for the upcoming Session.

The **General Revenue Estimating Conference** was held Friday, November 21st and projections are not good. The 2008-2009 FY budget will need to be **reduced an additional \$1.5 billion**, with a total reduction of about \$3.2 billion. In an effort to help balance the budget, Governor Crist has ordered a four percent holdback in funds and transferred about \$700 million in reserves.

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

SENATE & HOUSE STRUCTURE

Both the Senate and House have released their official rules for 2008-2010, which detail leadership positions and committee structure.

It is expected that members will be appointed to Chair and Vice-Chair positions, as well as other committee assignments, will be made in December.

SENATE

Senate President Jeff Atwater has announced the Senate leadership team, as well as committee chair appointments. Below is a list of Senate Leadership, members of the Senate Criminal & Civil Justice Appropriations Committee, Senate Judiciary Committee and Senate Criminal Justice Committee. [Click here](#) to view the complete list of Council and Committee Assignments.



CONT'D

April 21, 2009

50th day

Last day for regularly scheduled committee meetings

April 27, 2009

- All bills immediately certified

- Conference Committee Reports require only one reading

- Motion to reconsider made and considered same day

May 1, 2009

60th day

Last day of Regular Session

LEADERSHIP:

- **President** Jeff Atwater (R-North Palm Beach)
- **President Pro Tempore** Mike Fasano (R-New Port Richey)
- **Rules Chair** Alex Villalobos (R-Miami)
- **Ways & Means Chair** JD Alexander (R-Lake Wells)
- **Majority Leader** Alex Diaz de la Portilla (R-Miami)
- **Democratic Leader** Al Lawson (D-Tallahassee)
- **Democratic Leader Pro Tempore** Charlie Justice (D-St. Petersburg)

CRIMINAL & CIVIL JUSTICE APPROPRIATIONS:

- Sen. Victor Crist, Chair
- Sen. Frederica Wilson, Vice Chair
- Sen. Dennis Jones
- Sen. Arthenia Joyner
- Sen. Alex Villalobos

JUDICIARY COMMITTEE:

- Sen. Lee Constantine, Chair
- Sen. Arthenia Joyner, Vice Chair
- Sen. Carey Baker
- Sen. Mike Fasano
- Sen. Dan Gelber
- Sen. Mike Haridopolos
- Sen. Durrell Peaden
- Sen. Garrett Richter
- Sen. Jeremy Ring

CRIMINAL JUSTICE COMMITTEE:

- Sen. Paula Dockery, Chair
- Sen. Frederica Wilson, Vice Chair
- Sen. Victor Crist
- Sen. Charlie Dean
- Sen. Ted Deutch
- Sen. Jim King
- Sen. Gary Siplin
- Sen. Alex Villalobos

HOUSE

House Speaker Ray Sansom has announced the House leadership team, as well as committee chair appointments. Below is a list of House Leadership, members of the House Criminal & Civil Justice Appropriations Committee, House Criminal & Civil Justice Policy Council and Civil Justice and Courts Policy Committee. [Click here](#) to view the complete list of Council and Committee Assignments.

LEADERSHIP:

- **Speaker** Ray Sansom (R-Ft. Walton Beach)
- **Speaker Pro Tempore** Larry Cretul (R-Ocala)
- **Majority Leader** Adam Hasner (R-Delray Beach)
- **Deputy Majority Leader** Ron Reagan (R-Sarasota)
- **Democratic Leader** Franklin Sands (D-Weston)
- **Democratic Leader Pro Tempore** Geraldine Thompson (D-Orlando)

CRIMINAL & CIVIL JUSTICE APPROPRIATIONS COMMITTEE:

- Sen. Sandy Adams, Chair
- Sen. Nick Thompson, Vice Chair
- Sen. Darryl Rouson, Democratic Ranking Member
- Rep. Eric Eisnaugle
- Rep. J.C. Planas
- Rep. William Snyder
- Rep. Darren Soto

CRIMINAL & CIVIL JUSTICE POLICY COUNCIL:

- Rep. Julio Robaina, Chair
- Rep. William Snyder, Vice Chair
- Rep. Perry Thurston, Democratic Ranking Member
- Rep. Sandy Adams
- Rep. Luis Garcia
- Rep. J.C. Planas
- Rep. Michael Scionti
- Rep. Nick Thompson
- Rep. Michael Weinstein

CIVIL JUSTICE & COURTS POLICY COMMITTEE

- Rep. Nick Thompson, Chair
- Rep. Michael Weinstein, Vice Chair
- Rep. Michael Scionti, Democratic Ranking Member
- Rep. Eric Eisnaugle
- Rep. Adam Fetterman
- Rep. Tom Grady

INTERIM PROJECT REPORTS

The Senate and House conduct interim projects during the summer and fall months to prepare for the upcoming legislative session. Whether or not legislation will follow is yet to be seen, but the workplans do show where legislative interests lie. Below are several Senate workplans that have been completed. [Click here](#) to view the complete list of Senate interim projects and [click here](#) for a complete list of House interim projects.



Senate

Interim Project No.: 2009-121

Review of the Small Claims Process in Florida

This interim report identifies potential reforms to improve the small claims process for litigants, particularly those who proceed without an attorney. [Click here](#) for summary.

Interim Project No.: 2009-331

Analysis of Law Relating to Admissibility of Expert Testimony & Scientific Evidence

The purpose of this issue brief is to review the standards governing admissibility of scientific expert witness testimony based on the *Frye* and *Daubert* decisions and other relevant case law, in order to provide the senators with a foundation for evaluating policy proposals in this area. The issue brief also examines the extent to which evidence law in Florida

may be prescribed in statute by the Legislature versus in rules by the Florida Supreme Court. [Click here](#) for summary.

Interim Project No.: 2009-332
Strategic Lawsuits Against Public Participation

This issue brief addresses legal and policy research related to SLAPPs, in order to give legislators a foundation for evaluating proposals that may arise on this topic in the future. [Click here](#) for summary.



BUDGET ITEMS

On Friday, November 21st, the **General Revenue Estimating Conference** met and forecast additional reductions to the FY 2008-2009 budget from those reported in August. After these projections, the current budget for recurring general revenue is about **\$3.2 billion** more than the general revenue forecast.

Governor Crist has transferred about \$700 million in reserves and ordered a four percent holdback in funds this year, but this year's budget will need to be **reduced another \$1.5 billion OR an additional \$1.5 billion in revenue will need to be found.**

Projection Date	Recurring GR (public school funding)	Non-Recurring GR (expenditures not funded next year)
Original	\$25 billion	\$800 million
August 2008	\$23.3 billion	\$1 billion
November 2008	\$21.8 billion	
Budget Shortfall	(\$3.2 billion)	

NEWS & NOTES

["Court system cutbacks: Let's hear from you"](#)

The Florida Bar News
November 15, 2008

["State lawmakers cutting local 'pork' requests"](#)

Orlando Sentinel
November 20, 2008

["Budget leader is tackling a big role"](#)

Herald Tribune
December 4, 2008

["Florida house speaker defends marking funds for donor's project"](#)

Palm Beach Post
December 7, 2008

["Panel reviewing Florida Supreme Court candidates"](#)

The Miami Herald
December 8, 2008



["Florida house speaker used office to seek job"](#)

Palm Beach Post
December 8, 2008

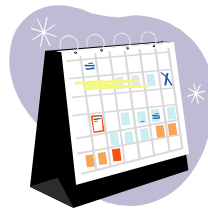
["New job could boost speaker's retirement benefits"](#)

Associated Press: Florida News
December 9, 2008

["Florida has \\$5.8 billion shortfall, so cuts are coming"](#)

Orlando Sentinel
December 10, 2008

DATES & DEADLINES The Senate and House will be conducting interim council and committee meetings in the months leading up to Session.



[Click here](#) for the complete list of SENATE interim committee dates.

[Click here](#) for the SENATE calendar for December 8th – 12th.

[Click here](#) for the complete list of HOUSE interim committee dates.

[Click here](#) for the HOUSE calendar for December 15th – 19th.

*Interim calendars are subject to change

2009 SESSION FILED BILLS

One hundred eighty six bills have been filed by the Senate and House for the 2009 Legislative Session. The Legislature has until noon on March 3, 2009 to file bills for introduction for 2009 Session. **"HB"** denotes a bill filed in the House and is always assigned an odd number. **"SB"** indicates a Senate bill and has an even number. Click on the bill number to view the bill summary.

Num	Title	Sponsor
HB 0045	Relating to Traffic Infractions	Porth
SB 0246	Relating to Non-criminal Moving Traffic Violations Surcharge	Ring
SB 0248	Relating to Circuit and County Courts/Fees/Charges/Costs/Fines	Ring

CLOSING STATEMENT: We will keep you updated as the Senate and House continue to debate and discuss during interim committee weeks.

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Weekly Schedule of the House of Representatives

Weekly Interim Schedule

December 15, 2008 - December 19, 2008

Monday, December 15, 2008	Tuesday, December 16, 2008	Wednesday, December 17, 2008	Thursday, December 18, 2008	Friday, December 19, 2008
Notice deadline, 4:30 pm December 8, 2008	Notice deadline, 4:30 pm December 9, 2008	Notice deadline, 4:30 pm December 10, 2008 <u>8:30 – 12:00</u> <u>ALL MEMBERS</u> Staff overview of economic conditions and state budget HOUSE CHAMBER	Notice deadline, 4:30 pm December 11, 2008	Notice deadline, 4:30 pm December 12, 2008
12:00 – 1:00 LUNCH	12:00 – 1:00 LUNCH	12:00 – 1:00 LUNCH	12:00 – 1:00 LUNCH	12:00 – 1:00 LUNCH
	<u>1:00 – 5:00</u> <u>Committees under the Full Appropriations Council on General Government & Health Care</u> Health Care Appropriations Committee 212K Human Services Appropriations Committee 102H Healthy Seniors Appropriations Committee 28H Natural Resources Appropriations Committee 306H Government Operations Appropriations Committee 216C Criminal & Civil Justice Appropriations Committee 116K <u>Committees under the Full Appropriations Council on Education & Economic Development</u> PreK - 12 Appropriations Committee 17H State Universities & Private Colleges Appropriations Committee 404H State & Community Colleges & Workforce Appropriations Committee 24H Transportation & Economic Development Appropriations Committee 12H	<u>2:00 – 5:00</u> Full Appropriations Council on General Government & Health Care 212K Full Appropriations Council on Education & Economic Development Appropriations 17H Finance & Tax Council 404H		

December 15 - 19, 2008

12/08/08 3:20 p.m.

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.