



TRIAL LAWYERS SECTION
THE FLORIDA BAR

LEGISLATIVE REPORT

December 9, 2011

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Weekly Wrap Up

December 5-9, 2011

TRIAL LAWYERS SECTION OF THE FLORIDA BAR

IMPORTANT DATES:

January 6, 2012

By 5 p.m., deadline for approving final drafts of general bills and joint resolution, including companion bills

January 10, 2012

Regular session convenes

January 10, 2012

By noon, deadline for filing bills for introduction

January 13, 2012

Request submission deadline by 5 p.m. for additional bill filed after favorable reporting of repealer bill by its first committee of reference

January 30, 2012

House – Filing deadline by noon of the 21st day of regular session, for additional bill filed after favorable reporting of repealer bill by its first committee of reference

Dear FLATLS,

This week House and Senate committees met for the fifth and final interim committee week before session begins in January. Also this week, Governor Scott released his budget recommendations for the fiscal year of 2012-2013. This was presented in several subcommittee and the large Senate Budget committee. In addition, PIP issues continue to be a hot topic with workshops and discussions in progress.

UPDATE:

During this interim committee week, several bills of interest were addressed. On Wednesday, December 7th, several committees of interest met including the **House Civil Justice Subcommittee**. Several bills were presented to the committee, including (a detailed list of all mentioned bills are provided under the "Bills of Interest" portion of this report):

[HB 385](#) – **Sovereign Immunity**: by Gaetz, Renuart; Co-Sponsors: Costello (**Similar SB 0614 - Relating to Sovereign Immunity by Bennett**).

Provides legislative findings & intent; provides sovereign immunity to emergency health care providers acting pursuant to obligations imposed by specified statutes; provides exception; provides that emergency health care providers are agents of state & requires them to indemnify state up to specified liability limits; provides for sanctions against emergency health care providers who fail to comply with indemnification obligations. **Favorable with CS.**

[HB 631](#) – **Terms of Courts**: by Weinstein (**Identical SB 0462 by Bogdanoff**)

Repeals provisions relating to regular terms of Supreme Court & circuit courts; repeals provisions relating to requiring judge to attend first day of each term of circuit court; repeals provisions relating to requirement for judge to state reason for nonattendance, penalty for non-attendance of judge, adjournment of circuit court upon nonattendance of judge, calling all cases on docket at end of each term, regular terms of district courts of appeal, special terms of district courts of appeal, requirement that criminal trials be heard in term of court prior to civil cases, & requirement that persons in custody be arraigned & tried in term of court unless good cause is shown; conforms provisions; allows Supreme Court to set terms of court for Supreme Court, district courts of appeal, & circuit courts; provides that appellate courts may withdraw mandate within 120 days after its issuance. **Voted Favorably.**

[HB 4125](#) – **Relating to Judges**: by Stargel. Repeals provisions relating to selection of judges ad litem in circuit or county court. **Voted Favorably.**

[HB 4133](#) – **Relating to District Courts of Appeal**: by Gaetz (M)

General District Courts of Appeal: Repeals provisions relating to district courts of appeal authority to make rules & regulations for their internal government. **Voted Favorably.**

The House Insurance and Banking Subcommittee also met on Wednesday and voted on two bills:

[HB 483](#) – Relating to Uniform Commercial Code: by Passidomo (CS Sponsors) Civil Justice Subcommittee (Identical [SB 1090](#) Richter).

COMMITTEE & COUNCIL MEETINGS:
First week of session

Monday, 1/9
House – Senate Redistricting Subcommittee
12:00 – 2:30
(17 H)

House Redistricting Subcommittee
3:00 – 6:00
(404 H)

Tuesday, 1/10
House Appropriation Committee
1:30 -4:00
(212 K)

Wednesday, 1/11
House Justice Appropriation Subcomm
8:00 -10:30
(17 H)

House Civil Justice Subcomm
11:30 -2:00
(404 H)

Thursday, 1/12
Senate Judiciary
10:15-12:15
(110 S)

House Judiciary
11:30-2:00
(404 H)

Senate Sub/Crim. Civ. Justice AP
1:00-3:00
(37 S)

Fri, 1/13
Senate Budget
9:00-12:00
(412 K)

Revises & provides provisions of Florida Uniform Commercial Code relating to secured transactions to conform to revised Article 9 of Uniform Commercial Code as prepared by National Conference of Commissioners on Uniform State Laws. **Voted Favorably.**

Draft PCS for [HB 119](#) – Motor Vehicle Personal Injury Protection Insurance: by Boyd (**Compare [SB 254](#) by Bennett; [HB 523](#) by Workman**). Cites act as "Comprehensive Insurance Fraud Investigation and Prevention Act"; provides intent; revises provisions relating to crash reports; authorizes officer to testify at trial or provide affidavit; revises requirements relating to form submitted by providers; revises provisions relating to payment; provides that time for paying or denying claim is tolled during investigation of fraudulent act; specifies when benefits are not payable; provides that claimant violating certain provisions is not entitled to payment; authorizes recovery of payments; forbids those failing to comply with certain provisions from billing injured person or insured; provides that insurer has right to conduct reasonable investigations; revises reimbursement limitation; requires provider to ensure that insured understands services provided; revises discovery provisions; authorizes insurer to provide discount to insured selecting preferred provider; authorizes nonpayment for nonemergency services by non-preferred provider in certain circumstances. **PCS Workshopped.**

Senate Commerce and Tourism took up one bill related to the courts on Wednesday, December 8th.

[SB 486](#) – Relating to Jurisdiction of the Court: by Diaz de la Portilla Co-Sponsors: Lynn (Identical [HB 917](#) by Bileca). Including as an additional basis for subjecting a person to the jurisdiction of the courts of this state provisions which state that a person submits to the jurisdiction of the courts of this state by entering into a contract that designates the law of this state as the law governing the contract and that contains a provision by which such person agrees to submit to the jurisdiction of the courts of this state; clarifying that an arbitral tribunal receiving a request for an interim measure to preserve evidence in a dispute governed by the Florida International Commercial Arbitration Act need consider only to the extent appropriate the potential harm that may occur if the measure is not awarded or the possibility that the requesting party will succeed on the merits of the claim; revising application dates of provisions relating to the jurisdiction of the courts, etc. **Voted Favorably.**

Senate Banking and Insurance had [SB 7026](#) relating to OGSR/Personal Information and Policy Numbers in PIP and Property Damage Liability Insurance Policies on the agenda. However, they ran out of time and were only able to take testimonies from Geico, State Farm and a few lawyers. No action was taken.

NEWS & NOTES:

- **Governor Rick Scott** unveiled his [budget recommendations](#) for fiscal year 2012-2013.

DATES & DEADLINES:



[Click here](#) to view the Senate calendar for January 9th – 13th.

[Click here](#) to view the Senate calendar for January 16th – 20th.

**This is a tentative calendar and subject to change*

BILLS OF INTEREST: Many bills have been filed in the House and Senate and we've included them to be tracked for the Trial Lawyers Section. Similar and identical bills are listed together. Bills on an agenda and votes are noted in **red**.

SB 486 - Relating to Jurisdiction of the Courts

by Diaz de la Portilla (Co-Sponsor) Lynn (**Identical HB 0917**)

General Jurisdiction of the Courts; Including as an additional basis for subjecting a person to the jurisdiction of the courts of this state provisions which state that a person submits to the jurisdiction of the courts of this state by entering into a contract that designates the law of this state as the law governing the contract and that contains a provision by which such person agrees to submit to the jurisdiction of the courts of this state; clarifying that an arbitral tribunal receiving a request for an interim measure to preserve evidence in a dispute governed by the Florida International Commercial Arbitration Act need consider only to the extent appropriate the potential harm that may occur if the measure is not awarded or the possibility that the requesting party will succeed on the merits of the claim; revising application dates of provisions relating to the jurisdiction of the courts, etc.

EFFECTIVE DATE: July 1, 2012

10/06/11 SENATE Filed

11/02/11 SENATE Referred to Commerce and Tourism; Judiciary; Budget

11/22/11 SENATE On Committee agenda - Commerce and Tourism

12/07/11 SENATE Favorable by Commerce and Tourism; 6 Yeas, 0 Nays

SENATE Now in Judiciary

[Click here](#) for more information.

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HB 631 - Relating to Terms of Courts

by Weinstein (**Identical SB 0462**)

General Terms of Courts: Repeals provisions relating to regular terms of Supreme Court & circuit courts; repeals provisions relating to requiring judge to attend first day of each term of circuit court; repeals provisions relating to requirement for judge to state reason for nonattendance, penalty for nonattendance of judge, adjournment of circuit court upon nonattendance of judge, calling all cases on docket at end of each term, regular terms of district courts of appeal, special terms of district courts of appeal, requirement that criminal trials be heard in term of court prior to civil cases, & requirement that persons in custody be arraigned & tried in term of court unless good cause is shown; conforms provisions; allows Supreme Court to set terms of court for Supreme Court, district courts of appeal, & circuit courts; provides that appellate courts may withdraw mandate within 120 days after its issuance.

Effective Date: January 1, 2013

11/10/11 HOUSE Filed

11/21/11 HOUSE Referred to Civil Justice Subcommittee, Referred to Judiciary Committee

11/30/11 HOUSE On Committee agenda - Civil Justice Subcommittee

12/07/11 HOUSE Favorable by Civil Justice Subcommittee; 14 Yeas, 0 Nays

HOUSE Now in Judiciary Committee

[Click here](#) for more information.

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HB 4125 - Relating to Judges

by Stargel

General Judges: Repeals provisions relating to selection of judges ad litem in circuit or county court.

Effective Date: July 1, 2012

11/16/11 HOUSE Filed

11/29/11 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee

11/30/11 HOUSE On Committee agenda - Civil Justice Subcommittee

12/07/11 HOUSE Favorable by Civil Justice Subcommittee; 14 Yeas, 0 Nays

HOUSE Now in Judiciary Committee

[Click here](#) for more information

HB 4133 - Relating to District Courts of Appeal

by Gaetz (M)
General District Courts of Appeal: Repeals provisions relating to district courts of appeal authority to make rules & regulations for their internal government.
Effective Date: July 1, 2012
11/17/11 HOUSE Filed
11/29/11 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee
11/30/11 HOUSE On Committee agenda - Civil Justice Subcommittee,
12/07/11 HOUSE Favorable by Civil Justice Subcommittee; 14 Yeas, 0 Nays
HOUSE Now in Judiciary Committee
[Click here](#) for more information

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HB 483 - Relating to Uniform Commercial Code

by Passidomo (CS Sponsors) Civil Justice Subcommittee (Identical [SB 1090](#))
General Uniform Commercial Code: Revises & provides provisions of Florida Uniform Commercial Code relating to secured transactions to conform to revised Article 9 of Uniform Commercial Code as prepared by National Conference of Commissioners on Uniform State Laws.
Effective Date: July 1, 2013
10/25/11 HOUSE Filed
11/04/11 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee
11/16/11 HOUSE Favorable with CS by Civil Justice Subcommittee; 14 Yeas, 0 Nays
11/17/11 HOUSE Committee Substitute Text (C1) Filed
11/18/11 HOUSE Now in Insurance & Banking Subcommittee
12/07/11 HOUSE Favorable by Insurance and Banking Subcommittee; 14 Yeas, 0 Nays
HOUSE Now in Judiciary Committee
[Click here](#) for more information

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HB 57 - Relating to Sovereignty of the State

by Caldwell (Co-Sponsors) Ahern, Albritton, Gaetz
Memorial Sovereignty of the State: Urges Congress to discontinue its practice of imposing federal mandates & legislation upon states which exceed scope of its constitutionally delegated powers under Tenth Amendment to U.S. Constitution & to repeal all existing compulsory federal legislation that directs states to comply or requires states to pass specific legislation in order not to lose federal funding.
Effective Date: Not Specified
07/20/11 HOUSE Filed
09/15/11 HOUSE Referred to Federal Affairs Subcommittee; State Affairs Committee
HOUSE Now in Federal Affairs Subcommittee
[Click here](#) for more information

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SB 112 - Relating to Public Employment Practices

by Wise (Co-Sponsors) Joyner, Lynn (Identical [HB 297](#))
General Public Employment Practices; Defining the terms "applicant" and "public employer"; prohibiting a public employer from inquiring about or considering the criminal history record of an applicant for public employment until the applicant has been selected for an interview by the public employer; providing that the restriction does not prohibit a public employer from notifying an applicant that a law or the employer's policy may disqualify the applicant from employment in a particular position with the public employer; providing an exemption.
EFFECTIVE DATE: July 1, 2012
08/29/11 SENATE Filed
09/08/11 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Criminal Justice
[Click here](#) for more information

HB 119 - Relating to Motor Vehicle Personal Injury Protection Insurance

by Boyd (Co-Sponsors) Albritton, Broxson, Horner, Wood (Compare [SB 254](#), [HB 523](#))

General Motor Vehicle Personal Injury Protection Insurance: Cites act as "Comprehensive Insurance Fraud Investigation and Prevention Act"; provides intent; revises provisions relating to crash reports; authorizes officer to testify at trial or provide affidavit; revises requirements relating to form submitted by providers; revises provisions relating to payment; provides that time for paying or denying claim is tolled during investigation of fraudulent act; specifies when benefits are not payable; provides that claimant violating certain provisions is not entitled to payment; authorizes recovery of payments; forbids those failing to comply with certain provisions from billing injured person or insured; provides that insurer has right to conduct reasonable investigations; revises reimbursement limitation; requires provider to ensure that insured understands services provided; revises discovery provisions; authorizes insurer to provide discount to insured selecting preferred provider; authorizes nonpayment for nonemergency services by non-preferred provider in certain circumstances.

Effective Date: July 1, 2012

09/02/11 HOUSE Filed

09/15/11 HOUSE Referred to Insurance & Banking Subcommittee; Civil Justice Subcommittee; Health & Human Services Committee; Economic Affairs Committee

11/16/11 HOUSE PCS Workshopped by Insurance & Banking Subcommittee

12/07/11 HOUSE PCS Workshopped by Insurance & Banking Subcommittee

[Click here](#) for more information

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SB 134 - Relating to Advertising of Legal and Medical Referral Services

by Margolis (Compare [HB 485](#))

General Advertising of Legal and Medical Referral Services; Requiring that advertising from a medical or lawyer referral service for services related to motor vehicle accidents comply with certain requirements regarding content; requiring that advertisements or unsolicited written communications from certain legal referral services for services related to motor vehicle accidents comply with the Supreme Court of Florida's Rules Regulating The Florida Bar; requiring that published advertisements from a lawyer referral service be filed with The Florida Bar along with an affidavit meeting certain criteria; prohibiting a lawyer referral service from conditioning participation in the service based on certain criteria; prohibiting a medical referral service from making referrals only to a medical clinic or health care provider in which the referral service has a financial or ownership interest, etc.

EFFECTIVE DATE: July 1, 2012

08/29/11 SENATE Filed

09/08/11 SENATE Referred to Health Regulation; Judiciary; Budget

[Click here](#) for more information

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HB 145 - Relating to Residential Foreclosure Proceedings

By Soto (Identical [SB 628](#))

General Residential Foreclosure Proceedings: Designates act "Florida Mortgage Collection Fairness Act"; prohibits certain acts by mortgage collection firms; provides that violations are deceptive & unfair trade practices; provides penalties & remedies; provides for award of attorney's fees & costs.

Effective Date: July 1, 2012

09/15/11 HOUSE Filed
10/03/11 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking
Subcommittee; Judiciary Committee
HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

HB 213 - Relating to Judicial Proceedings

by Passidomo

General Judicial Proceedings: Designates act "Florida Fair Foreclosure Act"; revises requirements for acknowledgement of satisfaction of mortgage, lien, or judgment; provides requirements for mortgage foreclosure complaints; requires party foreclosing on specified owner-occupied dwellings to provide specified notice; provides for finality of foreclosure; requires certain actions to set aside foreclosure to be treated as actions for money damages; provides requirements for preparation and recording of instrument acknowledging satisfaction; prohibits certain claims following foreclosure based on enforcement of lost, destroyed, or stolen note; provides requirements for deficiency decrees in foreclosures of certain occupied units; revises procedural provisions relating to foreclosure proceedings; provides for determination of reasonable attorney fees for foreclosing certain owner-occupied properties; provides for election by foreclosing lender to proceed without public sale in certain circumstances; provides for liability of persons wrongly claiming under lost, stolen, or destroyed notes; provides for sanctions for raising unsupported claims or defenses & delay of litigation.

Effective Date: October 1, 2012

09/26/11 HOUSE Filed
10/17/11 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking
Subcommittee; Justice Appropriations Subcommittee; Judiciary
Committee
HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

HB 243 - Relating to Expert Testimony

by Metz (Co-Sponsors) Weinstein (Identical [SB 378](#))

General Expert Testimony: Provides that witness qualified as expert by knowledge, skill, experience, training, or education may testify in form of opinion as to facts at issue in case; requires courts to interpret & apply principles of expert testimony in conformity with specified U.S. Supreme Court decisions; subjects pure opinion testimony to such requirements; provides that facts or data that are otherwise inadmissible may not be disclosed to jury by proponent of opinion or inference unless court determines that probative value of facts or data in assisting jury to evaluate expert's opinion substantially outweighs prejudicial effect.

Effective Date: July 1, 2012

09/29/11 HOUSE Filed
10/17/11 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee
HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

**SB 254 - Relating to Motor Vehicle Personal Injury Protection
Insurance**

by Bennett (Compare [HB 119](#); [HB 523](#))

General Motor Vehicle Personal Injury Protection Insurance; Revising provisions relating to the contents of written reports of motor vehicle crashes; requiring that an application for licensure as a mobile clinic include a statement regarding insurance fraud; defining the term "no-fault law"; adding licensed acupuncturists to the list of practitioners authorized to provide, supervise, order, or prescribe services; providing that an insurer's failure to send certain specification or explanation waives other grounds for rejecting an invalid claim; revising the insurer's reimbursement limitation; authorizing the insurer to deny a claim if the provider does not submit a properly completed statement or bill within a certain time; authorizing an insurer to contract with a preferred provider; authorizing an insurer to provide a premium discount to an insured who selects a preferred provider; providing that an insured forfeits the premium discount if the insured uses nonemergency services performed by a non-preferred provider in specified circumstances, etc.

EFFECTIVE DATE: July 1, 2012

09/14/11 SENATE Filed

09/21/11 SENATE Referred to Banking and Insurance; Transportation; Budget

[Click here](#) for more information

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HB 313 - Relating to Premises Liability

by Bemby (Co-Sponsors) Baxley, Gaetz, Harrison, Steube, Caldwell (Similar SB [802](#))

General Premises Liability: Provides that owner or lessee who makes area available to another person for hunting, fishing, or wildlife viewing is entitled to certain limitations on liability if notice is provided to person upon entry to area; provides that owner of area who enters into written agreement with state for area to be used for outdoor recreational purposes is entitled to certain limitations on liability; deletes requirement that area be leased to state in order for limitations on liability to apply; defines term "area."

Effective Date: July 1, 2012

10/10/11 HOUSE Filed

10/28/11 HOUSE Referred to Civil Justice Subcommittee; Agriculture & Natural Resources Subcommittee; Judiciary Committee
HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

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HB 345 - Relating to Revising Age Limits for Judges and Justices

by Nehr (Identical [SB 408](#))

Joint Resolution Revising Age Limits for Judges and Justices: Proposes amendment to s. 8, Art V of State Constitution to increase age after which justice or judge may no longer serve in judicial office; provides certain exceptions.

Effective Date: Not Specified

10/12/11 HOUSE Filed

10/28/11 HOUSE Referred to Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee
HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

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SB 378 - Relating to Expert Testimony

by Richter (Identical [HB 243](#))

General Expert Testimony; Providing that a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion as to the facts at issue in a case under certain circumstances; requiring the courts of this state to interpret and apply the principles of expert testimony in conformity with specified United States Supreme Court decisions; subjecting pure opinion testimony to such requirements; providing that facts or data that

are otherwise inadmissible in evidence may not be disclosed to the jury by the proponent of the opinion or inference unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of the facts or data, etc.

EFFECTIVE DATE: July 1, 2012

09/29/11 SENATE Filed

10/18/11 SENATE Referred to Judiciary; Budget

[Click here](#) for more information

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HB 385 - Relating to Sovereign Immunity

by Gaetz (M), Renuart CoSponsors: Costello, Coley (Similar [SB 614](#))

General Sovereign Immunity: Provides legislative findings & intent; provides sovereign immunity to emergency health care providers acting pursuant to obligations imposed by specified statutes; provides exception; provides that emergency health care providers are agents of state & requires them to indemnify state up to specified liability limits; provides for sanctions against emergency health care providers who fail to comply with indemnification obligations.

EFFECTIVE DATE: upon becoming a law, and shall apply to any cause of action accruing on or after that date

10/18/11 HOUSE Filed

10/28/11 HOUSE Referred to Civil Justice Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

12/07/11 HOUSE Favorable with CS by Civil Justice Subcommittee; 10 Yeas, 2 Nays

[Click here](#) for more information

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SB 408 - Relating to Revising Age Limits for Judges and Justices

by Simmons (Identical [HB 345](#))

Joint Resolution Revising Age Limits for Judges and Justices; Proposing an amendment to the State Constitution to increase the age after which a justice or judge may no longer serve in a judicial office.

10/03/11 SENATE Filed

11/02/11 SENATE Referred to Judiciary; Budget

[Click here](#) for more information

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SB 410 - Relating to Electronic Filing of Court and Other Legal Documents

by Bennett

General Electronic Filing of Court and Other Legal Documents; Requiring that a litigant in the courts of this state, the Division of Administrative Hearings, or the Office of the Judges of Compensation Claims pay a specified surcharge in addition to any other cost incurred for filing court and other legal documents by means of paper documents instead of electronically filing the documents; providing an exception for a person who is indigent, etc.

EFFECTIVE DATE: July 1, 2012

10/03/11 SENATE Filed
11/02/11 SENATE Referred to Judiciary; Budget
[Click here](#) for more information

HB 427 - Relating to Civil Remedies Against Insurers

by Passidomo (Identical [SB 1224](#))
10/20/11 HOUSE Filed
10/28/11 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking
Subcommittee; Judiciary Committee
HOUSE Now in Civil Justice Subcommittee
[Click here](#) for more information

HB 431 - Relating to Joint Use of Public School Facilities

by Nehr (Co-Sponsors) Gaetz (M), Perman, Pilon, Stargel, Corcoran
(Identical [SB 808](#))
10/20/11 HOUSE Filed
10/28/11 HOUSE Referred to K-20 Competitiveness Subcommittee; Rulemaking &
Regulation Subcommittee; Health Care Appropriations Subcommittee;
Education Committee
HOUSE Now in K-20 Competitiveness Subcommittee
10/31/11 HOUSE Reference to Health Care Appropriations Subcommittee removed;
reference to Civil Justice Subcommittee added; Remaining references: K-20
Competitiveness Subcommittee; Rulemaking and Regulation Subcommittee; Civil
Justice Subcommittee; Education Committee
HOUSE Now in K-20 Competitiveness Subcommittee
[Click here](#) for more information

SB 462 - Relating to Terms of Courts

by Bogdanoff (Identical [HB 631](#))
General Terms of Courts; Repealing provisions relating to regular terms of the
Supreme Court; repealing provisions relating to terms of the circuit courts;
repealing provisions relating to requiring a judge to attend the first day of each
term of the circuit court; repealing provisions relating to a requirement for a judge
to state a reason for nonattendance; repealing provisions relating to the penalty for
nonattendance of the judge; repealing provisions relating to adjournment of the
circuit court upon nonattendance of the judge; repealing provisions relating to
calling all cases on the docket at the end of each term; repealing provisions relating
to regular terms of the district courts of appeal; repealing provisions relating to
special terms of the district courts of appeal; providing that appellate courts may
withdraw a mandate within 120 days after its issuance, etc.

EFFECTIVE DATE: January 1, 2013
10/06/11 SENATE Filed
11/02/11 SENATE Referred to Judiciary; Budget
[Click here](#) for more information

HB 481 - Relating to Clerks of Court

by Pilon (CS Sponsors) Civil Justice Subcommittee (Compare [HB 937](#))

General Clerks of Court: Provides requirements for storage of electronic filings; requires papers & electronic filings to be electronically time stamped; authorizes clerk to remove sealed or expunged court records from Official Records; revises language concerning exemption from charges for services provided to specified officials & their staffs; increases threshold amount for automatic repayment of overpayments; provides for access to clerks' files by state agencies & exemption from copying fees & charges; limits application of exemption from payment of fees & charges assessed by clerks of circuit courts to official use; authorizes use of electronic proof of publication affidavits; requires certain persons to provide specific information to clerk to maintain public records exemption status of certain information; authorizes clerk to issue refund to depositor for redeemed property subject to tax sale.

Effective Date: upon becoming a law

10/25/11 HOUSE Filed

11/04/11 HOUSE Referred to Civil Justice Subcommittee; Government Operations Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

11/16/11 HOUSE Favorable with CS by Civil Justice Subcommittee; 14 Yeas, 0 Nays

11/21/11 HOUSE Committee Substitute Text (C1) Filed

11/22/11 HOUSE Now in Government Operations Subcommittee

[Click here](#) for more information

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HB 483 - Relating to Uniform Commercial Code

by Passidomo (CS Sponsors) Civil Justice Subcommittee (Identical [SB 1090](#))

General Uniform Commercial Code: Revises & provides provisions of Florida Uniform Commercial Code relating to secured transactions to conform to revised Article 9 of Uniform Commercial Code as prepared by National Conference of Commissioners on Uniform State Laws.

Effective Date: July 1, 2013

10/25/11 HOUSE Filed

11/04/11 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee

11/16/11 HOUSE Favorable with CS by Civil Justice Subcommittee; 14 Yeas, 0 Nays

11/17/11 HOUSE Committee Substitute Text (C1) Filed

11/18/11 HOUSE Now in Insurance & Banking Subcommittee

12/07/11 HOUSE Favorable by Insurance and Banking Subcommittee; 14 Yeas, 0 Nays

HOUSE Now in Judiciary Committee

[Click here](#) for more information

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HB 485 - Relating to Legal and Medical Referral Service Advertising

by Kriseman (Compare [SB 134](#))

General Legal and Medical Referral Service Advertising: Requires advertising from medical or lawyer referral service related to accidents or injuries to comply with certain requirements regarding content; requires advertisements or unsolicited written communications from certain legal referral services related to accidents or injuries to comply with Supreme Court of Florida's Rules Regulating The Florida Bar; requires that published advertisements from lawyer referral service be filed with The Florida Bar along with affidavit meeting certain criteria; requires advertisements or unsolicited written communications from lawyer referral service

to display certain information; requires referring medical or lawyer referral service to obtain certain information from person referred to lawyer or health care provider; prohibits lawyer referral services & medical referral services from conditioning participation in those services on recommending certain other services; prohibits medical referral service from making referrals only to medical clinic or health care provider in which it has financial or ownership interest unless service includes in its advertisements notice of that interest & limitation; provides civil & criminal penalties for violations relating to legal & medical referral advertising & relief to persons affected; provides for disposition of proceeds of civil penalties collected; provides for cumulative effect; provides for severability.

Effective Date: July 1, 2012

10/26/11 HOUSE Filed

11/04/11 HOUSE Referred to Civil Justice Subcommittee; Business & Consumer Affairs Subcommittee; Judiciary Committee
HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

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SB 522 - Relating to Judicial Census Commissions

by Braynon (Identical [HB 4047](#))

General Judicial Census Commissions; Repealing provisions relating to judicial census commissions, etc.

EFFECTIVE DATE: July 1, 2012

10/12/11 SENATE Filed

11/02/11 SENATE Referred to Judiciary; Budget

11/17/11 SENATE Favorable by Judiciary; 5 Yeas, 0 Nays
SENATE Now in Budget

11/21/11 SENATE Subreferred to Budget Subcommittee on Criminal and Civil Justice Appropriations; Remaining references Budget Subcommittee on Criminal and Civil Justice Appropriations, Budget
SENATE Now in Budget Subcommittee on Criminal and Civil Justice Appropriations

[Click here](#) for more information

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HB 523 - Relating to Motor Vehicle Personal Injury Protection Insurance

By Workman (Compare [HB 119](#); [SB 254](#))

General Motor Vehicle Personal Injury Protection Insurance

10/31/11 HOUSE Filed

11/04/11 HOUSE Referred to Insurance and Banking Subcommittee; Health and Human Services Committee, Appropriations, Economic Affairs
HOUSE Now in Insurance and Banking Subcommittee

[Click here](#) for more information

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SB 534 - Relating to Persons Excused from Jury Service

by Sobel

General Persons Excused from Jury Service; Expanding parental eligibility to be Excused from jury service; authorizing a presiding judge to excuse a practicing Psychologist from jury service.

Effective Date: July 1, 2012

10/13/11 SENATE Filed

11/02/11 SENATE Referred to Judiciary

[Click here](#) for more information

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SB 614 - Relating to Sovereign Immunity

by Bennett (Similar HB 385)

General Sovereign Immunity; Providing sovereign immunity to emergency health care providers acting pursuant to obligations imposed by specified statutes; providing an exception; providing that emergency health care providers are agents of the state and requiring them to indemnify the state up to the specified liability limits; providing for sanctions against emergency health care providers who fail to comply with indemnification obligations; providing definitions; providing applicability, etc.

EFFECTIVE DATE: upon becoming a law, and apply to any cause of action accruing on or after that date

10/20/11 SENATE Filed

11/02/11 SENATE Referred to Health Regulation; Judiciary; Budget

[Click here](#) for more information

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SB 628 - Relating to Residential Foreclosure Proceedings

By Sobel (Identical [HB 145](#))

General Residential Foreclosure Proceedings; Citing this act as the "Florida Mortgage Collection Fairness Act"; prohibiting certain acts by mortgage collection firms; providing that violations are deceptive and unfair trade practices; providing penalties and remedies; providing for the award of attorney fees and costs under certain circumstances, etc.

EFFECTIVE DATE: July 1, 2012

10/20/11 SENATE Filed

11/02/11 SENATE Referred to Banking and Insurance; Judiciary; Budget

[Click here](#) for more information

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HB 653 - Relating to Health Care Fraud

By Cruz (Identical SB 208)

General Health Care Fraud: Revises grounds under which DOH or corresponding board is required to refuse to admit candidate to examination & refuse to issue or renew license, certificate or registration of health care practitioner.

11/15/11 HOUSE Filed

11/21/11 HOUSE Referred to Health & Human Services Quality
Subcommittee; Health Care Appropriations Subcommittee;
Health & Human Services Committee

11/21/11 HOUSE Now in Health & Human Services Quality Subcommittee

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HB 701 - Relating to Florida Evidence Code

By Logan, Holder (Similar [SB 782](#))

Florida Evidence Code: Provides that certain spontaneous statements relating to call to emergency operations center are admissible if call is for immediate dispatch of emergency personnel.

Effective Date: July 1, 2012

11/16/11 HOUSE Filed

11/29/11 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

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SB 782 – Relating to Florida Evidence Code

By Bennett (Similar HB 701)

General Florida Evidence Code; Providing that certain specified spontaneous statements relating to a call to an emergency operations center, such as police, fire, or emergency rescue personnel, is admissible as evidence if the call is for the immediate dispatch of personnel for emergency purposes; providing that an excited utterance made by a victim to an emergency responder, including police, fire, or emergency personnel, is admissible if the victim or witness is under the stress or excitement of the event while the statement is being made; providing that a statement not specifically covered by any other hearsay exception, but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule if the court determines that the interests of justice will be best served by admitting the statement into evidence, etc.

EFFECTIVE DATE: July 1, 2012

11/01/11 SENATE Filed

11/16/11 SENATE Referred to Judiciary; Military Affairs, Space, and Domestic Security

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SB 802 - Relating to Premises Liability

by Environmental Preservation and Conservation (Similar [HB 313](#))

General Premises Liability; Providing that an owner or lessee who makes an area available to another person for hunting, fishing, or wildlife viewing is entitled to certain limitations on liability if notice is provided to a person upon entry to the area; providing that an owner of an area who enters into a written agreement with the state for the area to be used for outdoor recreational purposes is entitled to certain limitations on liability; deleting a requirement that the area be leased to the state in order for the limitations on liability to apply; defining the term "area", etc.

EFFECTIVE DATE: July 1, 2012

11/02/11 SENATE Filed (formerly PCB 7006)

11/16/11 SENATE Referred to Environmental Preservation and Conservation; Judiciary; Budget

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SB 860 - Relating to Clerks of Court

By Wise (Compare [HB 937](#); Similar [HB 431](#))

Clerk of Court; Providing requirements for storage of electronic filings; requiring papers and electronic filings to be electronically time stamped.

12/06/11 SENATE Referred to Judiciary; Governmental Oversight Accountability Budget

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SB 882 - Relating to Court Costs

By Dean (Identical HB 4093)

General Court Costs; Repealing provisions which prohibits the Supreme Court from taxing the costs of copies of records against the losing party under certain circumstances, etc.

EFFECTIVE DATE: July 1, 2012

11/08/11 SENATE Filed

12/06/11 SENATE Referred to Judiciary; Budget

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SB 910 - Relating to Public Employees

by Hays (Co-Sponsors) Bennett (Similar [HB 365](#))

General Public Employees; Revising conditions under which certain firefighters, law enforcement officers, correctional officers, or correctional probations officers who suffer or have died from any of specified medical conditions are presumed to have been injured or killed accidentally and in the line of duty; revising the conditions under which the presumption with respect to disability due to any of specified

diseases is against occurrence in the line of duty for purposes of workers' compensation claims; providing medical conditions or behaviors that are appropriate for consideration in denying or overcoming the presumption of accidental disabilities or death suffered in the line of duty for firefighters and police officers, etc.

EFFECTIVE DATE: July 1, 2012

11/10/11 SENATE Filed

12/06/11 SENATE Referred to Banking and Insurance; Governmental Oversight and Accountability; Budget

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SB 970 - Relating to Foreclosure Proceedings

by Bennett

General Foreclosure Proceedings; Citing this act as the "Florida Property Preservation Act"; authorizing a financial institution or lender that institutes a foreclosure action to file a motion requesting that the circuit court issue a certificate of abandonment and preservation of property; requiring that the sheriff or deputy sheriff conduct an inspection of the property to determine if it appears to be abandoned; requiring that the sheriff or deputy sheriff post a notice on the property if it appears to be abandoned; authorizing the financial institution or lender instituting the mortgage foreclosure proceeding to perform certain actions in order to preserve the property, etc.

EFFECTIVE DATE: July 1, 2012

11/15/11 SENATE Filed

12/06/11 SENATE Referred to Judiciary; Banking and Insurance; Budget

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HB 4015 - Relating to Privacy of Firearm Owners

by Kriseman (Co-Sponsors) Pafford, Rouson, Watson (Identical [SB 248](#))

General Privacy of Firearm Owners: Repeals provisions relating to medical privacy concerning firearms; deletes provisions providing that unless information is relevant to patient's medical care or safety, or safety of others, inquiries regarding firearm ownership or possession should not be made by licensed health care providers or health care facilities, that patient may decline to provide information regarding ownership or possession of firearms, clarifying that physician's authority to choose his or her patients is not altered by act, prohibiting discrimination by licensed health care providers or health care facilities based solely upon patient's firearm ownership or possession, & prohibiting harassment of patient regarding firearm ownership during an examination by licensed health care provider or health care facility.

Effective Date: July 1, 2012

08/15/11 HOUSE Filed

09/15/11 HOUSE Referred to Criminal Justice Subcommittee; Judiciary Committee
HOUSE Now in Criminal Justice Subcommittee

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HB 4023 - Relating to Damages for Wrongful Death

by Rouson

Damages for Wrongful Death: Repeals provisions relating to prevention of recovery Of damages for wrongful death by adult children of decedent or by parents of adult Child with respect to claims for medical negligence; etc.

Effective Date: July 1, 2012

08/25/11 HOUSE Filed
09/15/11 HOUSE Referred to Civil Justice Subcommittee; Judiciary
Committee
HOUSE Now in Civil Justice Subcommittee
[Click here](#) for more information

HB 4047 - Relating to Judicial Census Commissions

by Bernard (Identical [SB 522](#))
General Judicial Census Commissions: Repeals provisions relating to
judicial census commissions.

Effective Date: July 1, 2012

09/22/11 HOUSE Filed
10/03/11 HOUSE Referred to Civil Justice Subcommittee, Judiciary
Committee
10/18/11 HOUSE Favorable by Civil Justice Subcommittee; 15 Yeas, 0
Nays
HOUSE Now in Judiciary Committee

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HB 4055 - Relating to Supreme Court

by Metz

General Supreme Court: Repeals provisions relating to restricting practice of law
by retired justice, requirement to appoint Clerk of Supreme Court, requirement
that clerk have office in Supreme Clerk Building, requirement that clerk perform
duties as directed by court, & provision by which rules of court supersede statutes.

Effective Date: July 1, 2012

09/26/11 HOUSE Filed
10/17/11 HOUSE Referred to Civil Justice Subcommittee; Judiciary
Committee
11/16/11 HOUSE Favorable by Civil Justice Subcommittee; 10 Yeas, 4
Nays
HOUSE Now in Judiciary Committee

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HB 4077 - Relating to Actions for Damages

by Metz

General Actions for Damages: Repeals provisions relating to optional settlement
conference in certain tort actions. Effective Date: upon becoming a law 10/19/11
HOUSE Filed

10/28/11 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee

11/16/11 HOUSE Favorable by Civil Justice Subcommittee; 14 Y, 0 N

11/16/11 HOUSE Now in Judiciary Committee

[Click here](#) for more information

SB 7006 - Relating to Premises Liability

by Environmental Preservation and Conservation

PCB Premises Liability; Providing that an owner or lessee who makes an area available to another person for hunting, fishing, or wildlife viewing is entitled to certain limitations on liability if notice is provided to a person upon entry to the area; providing that an owner of an area who enters into a written agreement with the state for the area to be used for outdoor recreational purposes is entitled to certain limitations on liability; deleting a requirement that the area be leased to the state in order for the limitations on liability to apply; defining the term "area", etc.

EFFECTIVE DATE: July 1, 2012

10/04/11 SENATE Filed

10/19/11 SENATE Submitted as Committee Bill by Environmental Preservation and Conservation

11/02/11 SENATE Committee Bill filed as SB 0802

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SB 7026 - Relating to OGSR/Personal Information and Policy Numbers in PIP and Property Damage Liability Insurance Policies

By Banking and Insurance

PCB OGSR/Personal Information and Policy Numbers in PIP and Property Damage Liability Insurance Policies; Amending provisions relating to a public records exemption for personal identifying information and policy numbers in personal injury protection and property damage liability insurance policies; saving the exemption from repeal under the Open Government Sunset Review Act; deleting a provision providing for the repeal of the exemption, etc.

EFFECTIVE DATE: July 1, 2012

11/22/11 SENATE Filed

12/07/11 SENATE Submitted as Committee Bill by Banking and Insurance

12/09/11 SENATE Committee Bill filed as S 1232

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CLOSING STATEMENT:

Be on the lookout for a newsletter following the first week of session, January 9, 2012. Have a safe and happy holidays!

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