



Trial Lawyers Section of the Florida Bar

Legislative Report

February 25, 2013

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Legislative Report

Trial Lawyers Section of the Florida Bar

Dear FLATLS,

The Florida legislature convened their committee meetings in January, 2013 and continues through Friday, February 22, 2013. Bills are being filed on a daily basis and we are monitoring and tracking legislation as it is filed. So far, over 1000 bills have been filed and are available for legislative action. See below for the bills that have already been filed that we are currently tracking on behalf of the Section. The 2013 legislative session is scheduled to start on Tuesday, March 5, 2013.

The House and Senate Appropriations Committees have been meeting and hearing presentations from those groups impacted by the budget. The state court system and the clerk of courts have already made presentations detailing their needs for the next fiscal year.

In the Senate, the Judiciary committee is now chaired by Tom Lee (R-Brandon) and Vice Chair Darren Soto (D-Orlando). The Appropriations Subcommittee on Criminal and Civil Justice is led by attorneys Rob Bradley, (R-Orange Park) and Arthenia Joyner (D-Tampa). In the House, the chair of the Judiciary committee is Dennis Baxley (R-Ocala) and his Vice Chair is Kathleen Passidomo (R-Naples). The House Civil Justice Subcommittee is chaired by Larry Metz (R-Yalaha) and Vice Chaired by Bill Hager (R-Delray Beach). Lastly, the House Justice Appropriations Subcommittee is led by Charles McBurney (R-Jacksonville) and Kathleen Passidomo (R-Naples).

NEWS & NOTES:

Lawmakers consider revising claims law to help those wronged by governments get paid

Gaetz wants explanations from insurers on PIP

DATES & DEADLINES:



February 18, 2013 – Interim committee week

March 5, 2013 – Legislative session begins

May 3, 2013 – Last day of regular session

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BILLS OF INTEREST:

Below are bills of interest that have been filed so far for this upcoming session that we are tracking.

BILLS FILED:

SB 0058 - Relating to Application of Foreign Law in Certain Cases

by Hays CoSponsors: Evers

General Application Of Foreign Law In Certain Cases; Clarifies that the public policies expressed in the act apply to violations of a natural person's fundamental liberties, rights, and privileges guaranteed by the State Constitution or the United States Constitution. Provides that the act does not apply to a corporation, partnership, or other form of business association, except when necessary to provide effective relief in proceedings under or relating to chapters 61 and 88, F.S., etc.

Effective Date: Upon becoming a law.

11/19/12 SENATE Filed

12/05/12 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Children, Families, and Elder Affairs; Rules

[Click here](#) for more information

HB 0351 – Relating to Relating to Application of Foreign Law in Certain Cases

by Metz CoSponsors: Raburn, Spano, Van Zant, Gaetz (M)

General Application of Foreign Law in Certain Cases: Clarifies that public policies expressed in act apply to violations of natural person's fundamental liberties, rights, & privileges guaranteed by State Constitution or U.S. Constitution; provides that act does not apply to corporation, partnership, or other form of business association, except when necessary to provide effective relief in proceedings under or relating to chs. 61 & 88, F.S.; specifies public policy of this state in applying choice of foreign

law, legal code, or system in proceedings brought under or relating to chs. 61 & 88, F.S., which relate to dissolution of marriage, support, time-sharing, Uniform Child Custody Jurisdiction & Enforcement Act, & Uniform Interstate Family Support Act; declares that certain decisions under such laws, codes, or systems & certain choice of venue or forum provisions in contract are void; provides for construction of waiver by natural person of person's fundamental liberties, rights, & privileges guaranteed by State Constitution or U.S. Constitution; declares that claims of forum non conveniens or related claims must be denied; limits construction of provisions in certain circumstances.

Effective Date: upon becoming a law

01/21/13 HOUSE Filed

01/30/13 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee
HOUSE Now in Civil Justice Subcommittee

01/31/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 02/07/13,
8:00 am, 404 H

02/07/13 HOUSE Favorable by Civil Justice Subcommittee; 9 Yeas, 4 Nays
HOUSE Now in Judiciary Committee

02/14/13 HOUSE On Committee agenda - Judiciary Committee, 02/21/13, 12:00 pm,
404 H

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SB 0186 - Relating to Jurisdiction of the Courts

by Diaz de la Portilla

General Jurisdiction of the Courts; Providing that a person submits to the jurisdiction of the courts of this state by entering into a contract that specifies that the law of this state governs the contract and that the person agrees to submit to the jurisdiction of the courts of this state; providing that the initiation of arbitration in this state, or the making of a written agreement to arbitrate which provides for arbitration in this state, constitutes a consent to exercise in personam jurisdiction by the courts of this state, etc.

Effective Date: July 1, 2013

01/07/13 SENATE Filed

01/11/13 SENATE Referred to Commerce and Tourism; Judiciary; Rules

01/28/13 SENATE On Committee agenda - Commerce and Tourism, 02/05/13, 9:00
am, 110 S

02/05/13 SENATE Favorable by Commerce and Tourism; 11 Yeas, 0 Nays

02/06/13 SENATE Now in Judiciary

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HB 0775 - Relating to Jurisdiction of the Courts

by Santiago

General Jurisdiction of the Courts: Provides that person submits to jurisdiction of this state by entering into contract that specifies that law of this state governs contract & agrees to submit to jurisdiction; clarifies circumstances under which an arbitration is international; limits application of certain provisions to instances in which arbitral tribunal orders party to preserve evidence; provides that initiation of arbitration in this state, or making of written agreement to arbitrate which provides for arbitration in this state, constitutes consent to exercise in personam jurisdiction; revises circumstances under which parties to contract, agreement, or undertaking may agree that law of this state governs contract, agreement, or undertaking; revises application dates of specified provisions.

Effective Date: July 1, 2013

02/13/13 HOUSE Filed

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SB 0228 - Relating to Presuit Discovery in Medical Negligence Actions

by Flores

General Presuit Discovery in Medical Negligence Actions; Revising the authorization form for release of protected health information which clarifies that the authorization only permits health care providers to furnish copies of written and electronic medical records; clarifying provisions in the authorization form which relate to the use of the patient's health information, etc.

Effective Date: Upon becoming a law.

01/09/13 SENATE Filed

01/17/13 SENATE Referred to Judiciary; Health Policy; Rules

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SB 0286 - Relating to Design Professionals

by Negron

General Design Professionals; Providing that certain contracts executed by a business entity may specify that certain architects, interior designers, landscape architects, engineers, and surveyors may not be held individually liable for negligence in the performance of professional services provided under those contracts; specifying that a contract that prohibits individual liability must meet certain requirements, etc.

Effective Date: July 1, 2013

01/15/13 SENATE Filed

01/17/13 SENATE Referred to Regulated Industries; Judiciary; Community Affairs

01/28/13 SENATE On Committee agenda - Regulated Industries, 02/06/13, 3:00 pm, 301 S

02/06/13 SENATE Favorable by Regulated Industries; 8 Yeas, 0 Nays

02/07/13 SENATE Now in Judiciary

[Click here](#) for more information

HB 0575 - Relating to Design Professionals

by Passidomo CoSponsors: Brodeur, Broxson, Gaetz (M), Hooper

General Design Professionals: Defines "business entity"; provides that certain contracts executed by professional services corporation may specify that certain architects, interior designers, landscape architects, engineers, & surveyors may not be held individually liable for negligence in performance of professional services provided under those contracts; specifies that contract that prohibits individual liability must meet certain requirements.

Effective Date: July 1, 2013

01/31/13 HOUSE Filed

02/12/13 HOUSE Referred to Civil Justice Subcommittee; Business & Professional Regulation Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

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SB 0292 - Relating to Deceptive and Unfair Trade Practices

by Richter

General Deceptive and Unfair Trade Practices; Requiring a claimant to provide a demand letter to the motor vehicle dealer as a condition precedent to initiating civil litigation against such dealer under the Florida Deceptive and Unfair Trade Practices Act; providing that a dealer and its employees, agents, principals, sureties, and insurers are not required to pay attorney fees in certain circumstances; providing that payment or offer of payment of the damages does not constitute an admission

of wrongdoing or liability, is protected from introduction as evidence in a civil litigation, and releases the dealer from any claim, suit, and action, etc.

Effective Date: July 1, 2013

01/15/13 SENATE Filed

01/18/13 SENATE Referred to Commerce and Tourism; Judiciary

02/11/13 SENATE On Committee agenda - Commerce and Tourism, 02/19/13, 9:00 am, 110 S

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HB 0055 - Relating to Deceptive and Unfair Trade Practices

by Gaetz

General Deceptive and Unfair Trade Practices: Requires claimant to provide demand letter to motor vehicle dealer as condition precedent to initiating civil litigation against such dealer under Florida Deceptive & Unfair Trade Practices Act; provides for tolling of applicable time limitations for initiating actions; provides additional opportunity for claimants to comply with specified provisions; provides condition that constitutes waiver of notice; requires that specified notice be provided to consumers.

Effective Date: July 1, 2013

12/19/12 HOUSE Filed

01/11/13 HOUSE Referred to Civil Justice Subcommittee; Business & Professional Regulation Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

01/17/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 01/24/13, 9:00 am, 404 H

01/24/13 HOUSE Favorable by Civil Justice Subcommittee; 11 Yeas, 1 Nay
HOUSE Now in Business & Professional Regulation Subcommittee

01/30/13 HOUSE On Committee agenda - Business & Professional Regulation Subcommittee, 02/06/13, 2:00 pm, 12 H

02/06/13 HOUSE Favorable with CS by Business & Professional Regulation Subcommittee; 9 Yeas, 3 Nays

02/11/13 HOUSE Committee Substitute Text (C1) Filed

02/12/13 HOUSE Now in Judiciary Committee

02/14/13 HOUSE On Committee agenda - Judiciary Committee, 02/21/13, 12:00 pm, 404 H

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SB 0308 - Relating to Abusive Workplace Environments

by Braynon

General Abusive Workplace Environments; Creating the "Abusive Workplace Environment Act"; prohibiting a public employer from subjecting his or her employee to an abusive workplace environment; requiring that a civil action filed under the act must be commenced no later than 1 year after the date of the last incident that is part of the alleged unlawful employment practice; providing that if a person is found to have committed an unlawful employment practice that culminated in an adverse employment action, the court may enjoin the person from engaging in the unlawful employment practice and may order any other relief that it deems appropriate, including punitive damages and attorney fees, etc. Effective Date: July 1, 2013

01/15/13 SENATE Filed

01/18/13 SENATE Referred to Community Affairs; Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; Appropriations

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HB 0149 - Relating to Safe Workplace Environments

by Campbell

General Safe Work Environments: Creates "Safe Work Environment Act"; provides findings & intent; provides that subjecting employee to abusive work environment is unlawful employment practice; prohibits retaliating against employee who has opposed any unlawful employment practice, or who has made charge, testified, assisted, or participated in any manner in investigation or proceeding concerning such claim; provides for vicarious liability for employers in certain circumstances; provides defense; provides for liability for individual employees in certain

circumstances; provides defense; provides affirmative defenses; specifies relief available; limits employer's liability for emotional distress & precludes punitive damages in certain circumstances; specifies that provisions may only be enforced by private right of action; provides time limitation on actions; provides that remedies provided shall be in addition to & not in place of other remedies provided in law; provides for screening certain persons public & private school entering instructional areas.

Effective Date: July 1, 2013

01/14/13 HOUSE Filed

01/23/13 HOUSE Referred to Government Operations Subcommittee; Civil Justice Subcommittee; Appropriations Committee; State Affairs Committee

HOUSE Now in Government Operations Subcommittee

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SB 0330 - Relating to Qualified Portable Consumer Fuel Containers

by Latvala

General Qualified Portable Consumer Fuel Containers; Providing that manufacturers, sellers, and suppliers of qualified portable consumer fuel containers are not liable for injury, death, or loss, subject to specified actions, and not responsible for other relief relating to misuse of qualified portable consumer fuel containers; providing exceptions; providing for award of attorney fees in certain circumstances, etc.

Effective Date: July 1, 2013

01/16/13 SENATE Filed

01/18/13 SENATE Referred to Commerce and Tourism; Judiciary

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HB 0103 - Relating to Qualified Portable Consumer Fuel Containers

by Hooper

General Qualified Portable Consumer Fuel Containers: Provides that manufacturers, sellers, & suppliers of qualified portable consumer fuel containers are not liable for injury, death, or loss, subject to specified actions, & not responsible for other relief relating to misuse of qualified portable consumer fuel containers; provides exceptions; provides for award of attorney fees in certain circumstances.

Effective Date: July 1, 2013

01/07/13 HOUSE Filed

01/23/13 HOUSE Referred to Civil Justice Subcommittee; Business & Professional Regulation Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

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SB 0362 – Use of Deadly Force

by Bullard

General Use of Deadly Force; Requiring an overt act to support a belief that the use of deadly force for specified purposes is necessary; defining the term “unlawful activity” for specified purposes; providing that immunity from civil and criminal liability for certain uses of deadly force does not apply to injuries to children and bystanders who are not affiliated with the overt act, etc.

Effective Date: July 1, 2013

01/17/13 SENATE Filed

01/24/13 SENATE Referred to Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

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HB 0123 – Use of Deadly Force

by Stafford

General Requires overt act to support belief that use of deadly force for specified purposes is necessary; defines “unlawful activity” for specified purposes; provides

that immunity from civil & criminal liability for certain uses of deadly force does not apply to injuries to children & bystanders not affiliated with overt act.

Effective Date: July 1, 2013

01/09/13 HOUSE Filed

01/23/13 HOUSE Referred to Criminal Justice Subcommittee; Civil Justice Subcommittee; Judiciary Committee

HOUSE Now in Criminal Justice Subcommittee

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SB 0392 - Relating to Joint Use of Public School Facilities

by Brandes CoSponsors: Bradley

General Joint Use of Public School Facilities; Encouraging each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property, to increase the number of joint-use agreements, and to develop and adopt policies and procedures for an appeal process if negotiations for a joint-use agreement fail; providing immunity from liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct, etc.

Effective Date: July 1, 2013

01/18/13 SENATE Filed

01/24/13 SENATE Referred to Education; Community Affairs; Judiciary

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HB 0525 - Relating to Joint Use of Public School Facilities

by Raburn CoSponsors: Rodrigues (R)

General Joint Use of Public School Facilities: Encourages district school board to promote public access to outdoor recreation & sports facilities on school property, increase number of joint-use agreements, & provide appeal process if negotiations for joint-use agreement fail; provides immunity from liability for district school board that adopts public access policies or enters into joint-use agreement except in instances of gross negligence or intentional misconduct.

Effective Date: July 1, 2013

01/24/13 HOUSE Filed

02/06/13 HOUSE Referred to Choice & Innovation Subcommittee; Civil Justice Subcommittee; Education Committee

HOUSE Now in Choice & Innovation Subcommittee

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SB 0530 - Relating to Dispute Resolution

by Thrasher

General Dispute Resolution; Revising the short title of the "Florida Arbitration Code" to the "Revised Florida Arbitration Code"; providing that an agreement may waive or vary the effect of statutory arbitration provisions; requiring a court to decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate; providing that a person waives any objection to lack of or insufficiency of notice by appearing at the arbitration hearing; requiring certain disclosures of interests and relationships by a person before accepting appointment as an arbitrator, etc.

Effective Date: July 1, 2013

01/30/13 SENATE Filed

02/06/13 SENATE Referred to Judiciary; Rules

02/11/13 SENATE On Committee agenda - Judiciary, 02/19/13, 1:00 pm, 110 S

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HB 0693 - Relating to Dispute Resolution

by Moraitis

General Dispute Resolution: Redesignates "Florida Arbitration Code" as "Revised Florida Arbitration Code"; creates & revises numerous provisions; provides for

applicability of revised code; provides that code does not apply to any dispute involving child custody, visitation, or child support; provides limits on jurisdiction of trial resolution judge. Effective Date: July 1, 2013
02/11/13 HOUSE Filed
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SB 0556 - Relating to Clerks of the Court

by Ring
General Clerks of the Court; Providing requirements for the storage of papers and electronic filings and requiring that they be stamped with the date and time of submission; requiring that the clerk provide access to public records without charge to certain persons, subject to a limitation and an exception; specifying the bid process for tax deed sales at public auction; providing a procedure for the disbursement of proceeds from a tax deed sale if delinquent or current taxes are due, etc.
Effective Date: July 1, 2013
01/31/13 SENATE Filed
02/06/13 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Appropriations Subcommittee on Finance and Tax; Appropriations
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HB 0643 - Relating to Clerks of Court

by Pilon
General Clerks of Court: Provides requirements for storage of papers & electronic filings; revises provisions relating to service fees; authorizes clerk to provide public records in an electronic format; clarifies when office title "Clerk of Circuit Court & Comptroller" may be used; requires that certain requests for maintenance of public record exemption specify certain information; requires that property appraiser, rather than clerk, provide property record card to petitioner; revises provisions related to tax sales; provides that state is not required to pay fees to enforce judgment for costs & fines.
Effective Date: July 1, 2013
02/06/13 HOUSE Filed
02/12/13 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 0570 - Relating to Revising Age Limits for Justices and Judges

by Bradley CoSponsors: Simmons
Joint Resolution Revising Age Limits for Justices and Judges; Proposing amendments to the State Constitution to increase the age after which a justice or judge may no longer serve in a judicial office, to provide for the amendment to apply to justices and judges appointed on or after a specified date, and to provide an effective date, etc.
02/01/13 SENATE Filed
02/07/13 SENATE Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations; Rules
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HB 0747 - Relating to Age Limits for Justices and Judges

by McBurney CoSponsors: Kerner
Joint Resolution Age Limits for Justices and Judges: Proposes amendment to Section 8 of Article V & creation of new section to Article XII of State Constitution to increase age after which justice or judge may no longer serve in judicial office, to provide for amendment to apply to justices & judges appointed on or after specified date.
Effective Date: Not Specified
02/12/13 HOUSE Filed
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SB 0668 - Relating to Constitutional Amendments

by Bullard

General Constitutional Amendments; Providing that word count limitations on ballot summaries and ballot titles apply to constitutional amendments or revisions proposed by joint resolution; deleting a provision that permits placing the full text of an amendment or revision to the State Constitution on the ballot; deleting judicial authority to retain jurisdiction over a revised ballot title or ballot summary prepared by the Attorney General, etc.

Effective Date: July 1, 2013

02/07/13 SENATE Filed

02/13/13 SENATE Referred to Ethics and Elections; Judiciary; Rules

[Click here](#) for more information

HB 0397 - Relating to Constitutional Amendments

by Stafford

General Constitutional Amendments: Provides that word count limitations on ballot summaries & ballot titles apply to constitutional amendments or revisions proposed by joint resolution; deletes provision that permits placing full text of amendment or revision to State Constitution on ballot; deletes authority of Attorney General to prepare revised ballot title or ballot summary when all ballot statements embodied in joint resolution are defective; deletes judicial authority to retain jurisdiction over revised ballot title or ballot summary prepared by Attorney General; deletes authorization to place full text of amendment or revision on ballot; deletes certain legal presumptions.

Effective Date: July 1, 2013

01/22/13 HOUSE Filed

01/30/13HOUSE Referred to Civil Justice Subcommittee; Ethics & Elections Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

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SB 0746 - Relating to Terms of Courts

by Stargel

General Terms of Courts; Repealing provisions relating to regular terms of the Supreme Court; 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; allowing the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts; authorizing appellate courts to withdraw a mandate within 120 days after its issuance, etc.

Effective Date: January 1, 2014

02/08/13 SENATE Filed

02/14/13 SENATE Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

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HB 7017 - Relating to Terms Of Courts

by Civil Justice Subcommittee, Spano

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, 2014

02/14/13 HOUSE Filed (Formerly PCB CJS1)
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SB 0886 - Relating to Medical Negligence Actions

by Thrasher

General Medical Negligence Actions; Providing circumstance under which patient records may be released without prior written authorization; establishing standard of proof in actions based on the failure of a health care provider to order, perform, or administer certain tests; shifting burden of proof to claimant; providing for the release of protected health information to certain treating health care providers, insurers, and attorneys ;authorizing a health care provider or health care clinic and a patient or prospective patient to agree to submit a claim of medical negligence to arbitration, etc.

Effective Date: July 1, 2013

02/13/13 SENATE Filed

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SB 1016 - Relating to Sovereign Immunity for Dentists and Dental Hygienists

by Hays

General Sovereign Immunity for Dentists and Dental Hygienists; Defining the term "uncompensated services" as it relates to the liability of health care providers licensed under ch. 466, F.S., who are agents of governmental contractors; providing that the contribution to the dental laboratory expenses associated with the care of a patient is not considered compensation for the services, etc.

Effective Date: July 1, 2013

02/20/13 SENATE Filed

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SB 1082 - Relating to Trust Funds/Patient Compensation System/State Treasury

by Hays

Trust Fund/Gen. Trust Funds/Patient Compensation System/State Treasury; Creating the Patient Compensation System Trust Fund within the State Treasury; providing for the purpose and source of the trust fund; providing for future review and termination or re-creation of the trust fund, etc. Effective Date: On the same date that SB ____ or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law, and only if this act is enacted by a three-fifths vote of the membership of each house of the Legislature

02/21/13 SENATE Filed

HB 0899 - Relating to Trust Funds/Patient Compensation System/State Treasury

by Brodeur

General Trust Funds/Patient Compensation System/State Treasury: Creates Patient Compensation System Trust Fund within State Treasury; provides for purpose & sources of funds of trust fund; provides for future review & termination or re-creation of trust fund. Effective Date: on the same date that HB 897 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof and becomes law, and only if this act is enacted by a three-fifths vote of the membership of each house of the Legislature

02/19/13 HOUSE Filed

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HB 0087 - Relating to Mortgage Foreclosures

by Passidomo CoSponsors: Moraitis

General Mortgage Foreclosures: Revises limitations period for commencing action to enforce claim of deficiency judgment after foreclosure action; provides for applicability to existing causes of action; specifies required contents of complaint seeking to foreclose on certain types of residential properties; authorizes sanctions against plaintiffs who fail to comply with complaint requirements; requires court to treat collateral attack on final judgment of foreclosure on mortgage as claim for monetary damages; prohibits court from granting certain relief affecting title to foreclosed property; provides for construction relating to rights of certain persons to seek relief or pursue claims against foreclosed property; limits amount of deficiency judgment; revises class of persons authorized to move for expedited foreclosure; provides requirements & procedures with respect to order directed to defendants to show cause; provides failures by defendant to make filings or appearances may have legal consequences; requires court to enter final judgment of foreclosure & order foreclosure sale; provides for liability of persons who wrongly claim to be holders of or entitled to enforce a lost, stolen, or destroyed note & cause mortgage secured thereby to be foreclosed.

Effective Date: upon becoming a law

01/03/13 HOUSE Filed

01/11/13 HOUSE Referred to Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

01/31/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 02/07/13, 8:00 am, 404 H

02/07/13 HOUSE Favorable by Civil Justice Subcommittee; 10 Yeas, 3 Nays

HOUSE Now in Justice Appropriations Subcommittee

[Click here](#) for more information

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HB 0371 - Relating to Homestead Foreclosure Relief

by Saunders

General Homestead Foreclosure Relief: Provides that act's provisions apply to homestead property mortgaged within certain time period; provides statute of limitations for entering deficiency judgment; limits period that lienholder can collect moneys owed; provides that collection time may be tolled if debtor commits fraud or if debtor is held in contempt of court.

Effective Date: July 1, 2013

01/21/13 HOUSE Filed

01/30/13 HOUSE Referred to Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

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HB 0587 - Relating to Damages for Medical Services

by Hood

General Damages for Medical or Health Care Services: Limits recovery of damages for medical or health care services to amounts actually paid if no balance to provider is outstanding; limits recovery of such damages to amounts customarily accepted by providers in same geographic area if balance to provider is outstanding; requires medical or health care services to be medically necessary in order to be recoverable; provides that lack of medical necessity is affirmative defense in action for nonpayment; specifies that certain evidence shall be considered in determining amounts customarily accepted; provides for reduction of awards under specified provisions.

Effective Date: upon becoming a law

02/01/13 HOUSE Filed

02/12/13 HOUSE Referred to Civil Justice Subcommittee; Health Innovation Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

02/13/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 02/20/13, 11:30 am, 404 H

[Click here](#) for more information

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HB 0813 - Relating to Civil Remedies Against Insurers

by Passidomo

General Civil Remedies Against Insurers: Requires that before bringing common-law bad faith action against insurer, party bringing action must first provide to DFS & insurer prior written notification of specified number of days; requires that notice relating to bringing of common-law claim of bad faith must specify common-law duty violated by insurer; requires notice to specify amount of moneys that insurer has failed to tender or pay if specific statutory or common-law based violation includes such failure; provides that circumstances giving rise to statutory or common-law based violations are corrected by specifically described monetary tenders by insurer; provides that in third-party claims, insured is entitled to general release; provides that denial of claim by insurer is not required before claimant or insured may file required notification of violation by insurer; provides that applicable statute of limitations is tolled for specified period of time when certain notices alleging common-law based violation are mailed.

Effective Date: July 1, 2013

02/15/13 HOUSE Filed

[Click here](#) for more information

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HB 0827 - Relating to Medicine

by Gaetz (M) CoSponsors: Harrell

General Medicine: Revises provisions relating to disclosure of information provided to health care practitioners by patients; provides that claimant has burden of proving that health care provider breached prevailing standard; eliminates authorization for specialist in similar specialty to offer testimony against specialist; provides that in informal discovery, prospective defendant or his or her legal representative may interview claimant's treating health care providers without notice to or presence of claimant or claimant's legal representative; revises form for release of health care information to permit certain persons to interview specified health care providers without notice to or presence of patient or patient's legal representative; permits certain health care providers & prospective patients to agree to arbitration; provides that hospital is not liable for medical negligence of health care provider with whom it has entered into contract in certain circumstances.

Effective Date: July 1, 2013

02/15/13 HOUSE Filed

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HB 0869 - Relating to Nursing Home Litigation Reform

by Hager

General Nursing Home Litigation Reform: Specifies conditions under which nursing home resident has cause of action against licensee or management company; requires evidence of basis for punitive damages; requires trial judge to conduct an evidentiary hearing before claimant can assert claim for punitive damages; permits licensee or management company to be held liable for punitive damages; provides criteria for awarding of punitive damages in case of vicarious liability of certain entities.

Effective Date: July 1, 2013

02/19/13 HOUSE Filed

[Click here](#) for more information

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HB 0897 - Relating to Compensation for Personal Injury or Wrongful Death Arising from Medical Injury

by Brodeur

General Compensation for Personal Injury or Wrongful Death Arising from Medical Injury: Provides exclusive remedy for personal injury or wrongful death arising out of medical injury; creates Patient Compensation System; provides for various offices & committees; provides for independent medical review panels; prohibits certain conflicts of interest; provides process for filing application; provides for disposition of application; provides for determination of compensation when there is sufficient proof of medical injury; provides that compensation shall be offset by any past & future collateral source payments; provides for determinations of malpractice for purposes of specified constitutional provision; provides for review of appeals by administrative law judge; requires annual contributions from specified providers; provides for provider opt out option; requires annual report; provides applicability.

Effective Date: July 1, 2013

02/19/13 HOUSE Filed

[Click here](#) for more information

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HB 0935 - Relating to Florida False Claims Act

by Young

General Florida False Claims Act: Revises terminology; authorizes DLA to issue subpoenas for specified purposes before institution of civil proceedings; prohibits specified actions by person, knowing or having reason to believe that subpoena is pending; provides that state may elect to pursue available alternative remedies, including administrative proceedings; specifies what constitutes final finding or conclusion in an alternative proceeding that is binding on all parties to an action under act; revises provisions relating to dismissal of an action if substantially same allegations or transactions as alleged in action were publicly disclosed; provides for treatment for statutes of limitations purposes of pleadings filed in interventions by DLA.

Effective Date: July 1, 2013

02/20/13 HOUSE Filed

[Click here](#) for more information

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HB 0937 - Relating to Pub. Rec./Florida False Claims Act

by Young

General Pub. Rec./Florida False Claims Act: Provides exemption from public records requirements for complaint & information held by DLA pursuant to investigation of violation relating to false claims against state; provides for future legislative review & repeal of exemption; provides for specified disclosure & duration of exemption; provides statement of public necessity; provides for contingent effect.

Effective Date: on the same date that HB 935 or similar legislation takes effect

02/20/13 HOUSE Filed

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HB 0943 - Relating to Public Records Exemption

by Schwartz

General Public Records Exemption: Creates exemption from public records requirements for records relating to settlement of claim on behalf of minor or ward; authorizes guardian ad litem, ward, minor, & minor's attorney to inspect guardianship reports & court records relating to settlement of claim on behalf of

minor or ward, upon showing of good cause; authorizes court to direct disclosure & recording of amendment to report or court records relating to settlement of claim on behalf of ward or minor, in connection with real property or for other purposes; provides for future review & repeal; provides statement of public necessity; providing for contingent effect.

Effective Date: on the same date that HB 941 or similar legislation takes effect

02/20/13 HOUSE Filed

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HB 7015 - Relating to Expert Testimony

by Metz CoSponsors: Gaetz (M) CS Sponsors: Civil Justice Subcommittee

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, 2013

02/13/13 HOUSE Filed (Formerly PCB CJS2)

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CJS3 - Relating to Judicial Nominating Commissions

by Civil Justice Subcommittee

PCB PCB CJS 13-03 -- Judicial Nominating Commissions

02/13/13 HOUSE Filed

HOUSE On Committee agenda - Civil Justice Subcommittee, 02/20/13, 11:30 am, 404 H

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We look forward to keeping you informed with the latest Florida legislative news for the 2013 session.

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