

The background of the slide is a photograph of the Florida State Capitol building in Tallahassee, Florida. The building is a large, white, neoclassical structure with a prominent dome and a portico supported by columns. The image is slightly faded and has a soft, hazy appearance. The text is overlaid on this background.

Trial Lawyers Section of the Florida Bar

Legislative Report

June 26, 2013

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Legislative Report

Trial Lawyers Section of the Florida Bar

Dear Council Members,

The 2013 Legislative session officially ended at 7:16pm, on Friday, May 3rd. Highlights of the session include:

With the average foreclosure taking 853 days to make it through the court system in Florida, lawmakers responded by pushing bills to expedite the process. Rep. Kathleen Passidomo, R-Naples, and Sen. Jack Latvala, R-Clearwater, sponsored HB 87 and SB 1666 to speed up the foreclosure process and to impose more requirements on banks and lenders to prove they own a loan for a property before foreclosing on it. Consumer advocates, foreclosure lawyers and homeowners in foreclosure spoke out against those efforts, saying the legislation trampled due process.

Rep. Ritch Workman, R-Melbourne, and Sen. Kelli Stargel, R-Lakeland, introduced "durational alimony" bills that would set time limits -- generally half the length of a marriage -- on alimony awards. Amounts would also be capped as a percentage of the paying partner's gross income, depending on whether they were married for up to 11, 11 to 20 or more than 20 years. Also, the burden of proof would be on the party seeking alimony, to show why payments should be maintained, and paying partners could more easily get out of paying when they retire or have other loss of income. The Governor vetoed SB 718, expressing concern about it being retroactive. Governor Scott said allowing divorced people (mostly men) to go back into court and reduce or eliminate their alimony payments would be unfair to their ex-spouses who have come to depend on the income. Most often, those dependent ex-spouses will be women with children.

Rep. Larry Metz, R-Groveland, and Sen. Alan Hays, R-Umatilla, introduced bills forbidding use of any other nation's laws in Florida courts if they do not afford the same constitutional protections as the state and federal constitutions. Past references to "Sharia law," the code of Muslim countries, were deleted this year and the pending legislation deals with "foreign law." SB 58 ultimately failed on a procedural point. The House bill arrived on the Senate floor on the eve of adjournment and, as the session clock ran out, Senator Hays would have needed unanimous consent, under the rules, to take it up. Knowing there was no chance of unanimous consent, Senator Hays decided to wait until next year and the bill died with adjournment.

DATES & DEADLINES:



- May 3rd** – Last day of regular session
- June 26th-29th** – Florida Bar Convention
- September 23rd** – Interim Committee Week
- October 7th** – Interim Committee Week
- November 4th** – Interim Committee Week
- December 9th** – Interim Committee Week
- January 6th** – Interim Committee Week
- February 3rd** – Interim Committee Week
- February 10th** – Interim Committee Week
- February 17th** – Interim Committee Week

PASSED BILLS:

Below are the bills, which have passed this session.

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SB 2 - Relating to Ethics

by Ethics and Elections CoSponsors: Abruzzo, Altman, Bean, Benacquisto, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Detert, Diaz de la Portilla, Evers, Flores, Gaetz (D), Galvano, Garcia, Gardiner, Gibson, Grimsley, Hays, Hukill, Joyner, Latvala, Lee (T), Legg, Margolis, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith (C), Sobel, Soto, Stargel, Thompson, Thrasher CS Sponsors: Rules

General Ethics; Prohibiting public officers from accepting additional employment with the state or any of its political subdivisions under specified conditions; providing circumstances under which the Commission on Ethics must determine if an attorney or a certified public accountant failed to disclose information provided by the filing individual on the filed statement; authorizing the commission to collect an unpaid fine within a specified period of issuance of the final order; deleting references to committees of continuous existence, etc.

Effective Date: May 1, 2013

01/23/13 SENATE Filed (formerly PCB 7006)

SENATE Ordered engrossed, then enrolled

SENATE Engrossed Text (E2) Filed

SENATE Enrolled Text (ER) Filed

Signed by Officers and presented to Governor (Governor must act on this bill by 05/01/13)

05/01/13 Approved by Governor; Chapter No. 2013-036

[Click here](#) for more information

HB 7131 - Relating to Ethics

by Ethics & Elections Subcommittee, Boyd CS Sponsors: State Affairs Committee
General Ethics: Prohibits public officers from accepting additional employment with state or political subdivisions under specified conditions; prohibits former legislator from acting as lobbyist before executive branch agency, agency official, or employee for specified period following vacation of office; requires constitutional officers to complete annual ethics training; establishes requirements for creation of blind trusts; requires qualifying officer to electronically transmit full & public disclosure of financial interests of qualified candidate to Commission on Ethics; requires all disclosures of financial interests filed with commission to be scanned & made publicly available on searchable Internet database beginning with 2012 filing year; authorizes withholding of portions of salary for unpaid fines; authorizes specified parties to submit written referrals of possible violation of the Code of Ethics.

Effective Date: upon becoming a law
03/26/13 HOUSE Filed (Formerly PCB EES2)
04/24/13HOUSE Read Second Time; Substituted for SB 0002; Laid on Table, Refer to SB 0002

[Click here](#) for more information

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SB 0186 - Relating to Jurisdiction of the Courts

by Diaz de la Portilla CS Sponsors: Judiciary
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; clarifying the circumstances under which an arbitration is international; limiting the application of certain provisions to instances in which an arbitral tribunal orders a party to preserve evidence that may be relevant and material to the resolution of a dispute, etc.

Effective Date: July 1, 2013
01/07/13 SENATE Filed
05/06/13 SENATE Enrolled Text (ER) Filed
06/10/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/25/13)

06/14/13 Approved by Governor; Chapter No. 2013-164

[Click here](#) for more information

HB 0775 - Relating to Jurisdiction of the Courts

by Santiago CoSponsors: Hood CS Sponsors: Civil Justice Subcommittee
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.

Effective Date: July 1, 2013
02/13/13 HOUSE Filed
04/29/13 HOUSE Read Second Time; Substituted for SB 0186; Laid on Table, Refer to SB 0186

[Click here](#) for more information

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SB 0286 - Relating to Design Professionals

by Negrón CoSponsors: Sobel CS Sponsors: Judiciary

General Design Professionals; Redefining the term "design professional"; specifying conditions under which a design professional employed by a business entity or an agent of the business entity may not be held individually liable for damages resulting from negligence occurring within the course and scope of a professional services contract, etc.

Effective Date: July 1, 2013

01/15/13 SENATE Filed

04/18/13 SENATE Ordered enrolled

SENATE Enrolled Text (ER) Filed

04/22/13 Signed by Officers and presented to Governor (Governor must act on this bill by 04/29/13)

04/24/13 Approved by Governor; Chapter No. 2013-028

[Click here](#) for more information

HB 0575 - Relating to Design Professionals

by Passidomo CoSponsors: Brodeur, Broxson, Cummings, Gaetz (M), Hooper, Mayfield
CS Sponsors: Business & Professional Regulation Subcommittee, Civil Justice Subcommittee

General Design Professionals: Revises definition; specifies conditions under which design professional employed by business entity or agent of business entity may not be held individually liable for damages resulting from negligence occurring within course & scope of professional services contract; defines "business entity"; conforms provisions to changes made by act.

Effective Date: July 1, 2013

01/31/13 HOUSE Filed

04/17/13 HOUSE Read Second Time; Substituted for SB 0286; Laid on Table, Refer to SB 0286

[Click here](#) for more information

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SB 0292 - Relating to Deceptive and Unfair Trade Practices

by Richter CoSponsors: Bean, Brandes, Flores, Grimsley CS Sponsors: Judiciary, Commerce and Tourism

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 an additional opportunity for claimants to comply with specified provisions; providing that attorney fees and other costs incurred by a claimant before compliance with certain provisions are not recoverable; requiring that a specified notice be provided to consumers before provisions may apply, etc.

Effective Date: July 1, 2013

01/15/13 SENATE Filed

04/16/13 SENATE Read Second Time; Substituted for HB 0055; Laid on Table, Refer to HB 0055

[Click here](#) for more information

HB 0055 - Relating to Deceptive and Unfair Trade Practices

by Gaetz (M) CoSponsors: Patronis CS Sponsors: Judiciary Committee, Business & Professional Regulation Subcommittee

General Deceptive and Unfair Trade Practices: Requires claimant to provide demand letter to motor vehicle dealer as condition precedent to initiating civil litigation, including arbitration, against such dealer under Florida Deceptive & Unfair Trade Practices Act; provides for expiration of demand letter after specified period; provides for tolling of applicable time limitations for initiating actions; requires stay of civil litigation, including arbitration, brought without compliance with demand letter requirements; provides an additional opportunity for claimants to comply with specified provisions; provides condition that constitutes waiver of notice; provides for applicability; requires that specified notice be provided to consumers & acknowledged before provisions may apply.

Effective Date: July 1, 2013

12/19/12 HOUSE Filed

04/30/13 HOUSE Enrolled Text (ER) Filed
06/10/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/25/13)
06/14/13 Approved by Governor; Chapter No. 2013-186
[Click here](#) for more information

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SB 0530 - Relating to Dispute Resolution

by Thrasher CS Sponsors: Judiciary

General Dispute Resolution; Revising the short title of the "Florida Arbitration Code" to be 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

05/06/13 SENATE Enrolled Text (ER) Filed

06/14/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/29/13)

[Click here](#) for more information

HB 0693 - Relating to Dispute Resolution

by Moraitis CS Sponsors: Judiciary Committee, Civil Justice Subcommittee

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

04/30/13 HOUSE Read Second Time; Substituted for SB 0530; Laid on Table, Refer to SB 0530

[Click here](#) for more information

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SB 0556 - Relating to Clerks of the Court

by Ring CS Sponsors: Governmental Oversight and Accountability, Judiciary

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; authorizing the clerk to remove certain court records from the Official Records; requiring that the clerk provide access to public records without charge to certain persons, subject to a limitation and an exception; providing that the state is not required to pay fees to enforce judgment for costs and fines, etc.

Effective Date: July 1, 2013

01/31/13 SENATE Filed

SENATE Ordered enrolled

05/03/13 SENATE Enrolled Text (ER) Filed

05/21/13 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 05/23/13, 9:00 am, 117 K (No Votes Will Be Taken)

05/28/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/12/13)

06/05/13 Approved by Governor; Chapter No. 2013-109

[Click here](#) for more information

HB 0643 - Relating to Clerks of Court

by Pilon CoSponsors: Hutson CS Sponsors: Justice Appropriations Subcommittee, Civil Justice Subcommittee

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 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; 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

04/30/13 HOUSE Read Second Time; Substituted for SB 0556; Laid on Table, Refer to SB 0556

[Click here](#) for more information

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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

04/04/13 SENATE Read Third Time; Substituted for HB 7017; Laid on Table, Refer to HB 7017

[Click here](#) for more information

HB 7017 - Relating to Terms Of Courts

by Civil Justice Subcommittee, Spano CoSponsors: Metz

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)

04/10/13 HOUSE Ordered enrolled

04/11/13 HOUSE Enrolled Text (ER) Filed

04/12/13 Signed by Officers and presented to Governor (Governor must act on this bill by 04/19/13)

04/17/13 Approved by Governor; Chapter No. 2013-025

[Click here](#) for more information

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SB 1300 - Relating to Limited Liability Companies

by Simmons CS Sponsors: Commerce and Tourism, Judiciary

General Limited Liability Companies; Creating the Florida Revised Limited Liability Company Act; providing definitions and general provisions relating to operating agreements, powers, property, rules of construction, names, and registered agents of limited liability companies; providing for the relationship of members and management, voting, standards of conduct, records, and the right to obtain information; providing for service of process on a limited liability company, etc.

Effective Date: Except as otherwise provided, this act shall take effect January 1, 2014.

02/28/13 SENATE Filed
03/04/13 SENATE Referred to Judiciary; Commerce and Tourism
05/07/13 SENATE Enrolled Text (ER) Filed
06/10/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/25/13)
06/14/13 Approved by Governor; Chapter No. 2013-180
[Click here](#) for more information

HB 1079 - Relating to Limited Liability Companies

by McBurney CS Sponsors: Civil Justice Subcommittee
General Limited Liability Companies: Creates "Florida Revised Limited Liability Company Act" to replace current Florida Limited Liability Company Act; provides for applicability of & transition from current act to revised act; provides for future repeal of current act.
Effective Date: January 1, 2014
02/27/13 HOUSE Filed
03/06/13 HOUSE Referred to Civil Justice Subcommittee; Appropriations Committee; Judiciary Committee
04/30/13 HOUSE Read Second Time; Substituted for SB 1300; Laid on Table, Refer to SB 1300
[Click here](#) for more information

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SB 1318 - Relating to Public Records/Complaint of Misconduct Against Public Employee

by Soto CS Sponsors: Ethics and Elections
Public Records Public Records/Complaint of Misconduct Against Public Employee; Providing an exemption from public record requirements for a complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an investigation of the complaint by the agency; providing for limited duration of the exemption; providing for future review and repeal of the exemption under the Open Government Sunset Review Act, etc.
Effective Date: July 1, 2013
02/28/13 SENATE Filed
04/29/13 SENATE Read Second Time; Substituted for HB 1075; Laid on Table, Refer to HB 1075
[Click here](#) for more information

HB 1075 - Relating to Public Records

by Rangel CS Sponsors: Government Operations Subcommittee
General Public Records: Provides exemption from public record requirements for complaint of misconduct filed with agency against agency employee & all information obtained pursuant to investigation of complaint by agency; provides for limited duration of exemption; provides for future review & repeal of exemption; provides statement of public necessity.
Effective Date: July 1, 2013
02/27/13 HOUSE Filed
HOUSE Enrolled Text (ER) Filed
06/17/13 Signed by Officers and presented to Governor (Governor must act on this bill by 07/02/13)
[Click here](#) for more information

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SB 1412 - Relating to Expert Testimony

by Richter
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, etc.

Effective Date: July 1, 2013

03/01/13 SENATE Filed

04/25/13 SENATE Read Second Time; Substituted for HB 7015; Laid on Table, Refer to HB 7015

[Click here](#) for more information

HB 7015 - Relating to Expert Testimony

by Civil Justice Subcommittee, Metz CoSponsors: Gaetz (M)

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)

HOUSE Enrolled Text (ER) Filed

05/20/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/04/13)

06/04/13 Approved by Governor; Chapter No. 2013-107

[Click here](#) for more information

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SB 1494 - Relating to Florida False Claims Act

by Thrasher CS Sponsors: Rules, Judiciary

General Florida False Claims Act; Revising conditions under which a person is liable for a specified civil penalty; authorizing the Department of Legal Affairs to issue subpoenas for specified purposes before the institution of civil proceedings; authorizing the department to stipulate to protective orders of submitted documents and information; providing for estoppel as to certain matters following a final judgment or decree rendered in favor of the state or the Federal Government in certain criminal proceedings, etc.

Effective Date: July 1, 2013

03/03/13 SENATE Filed

04/24/13 SENATE Read Second Time; Substituted for HB 0935; Laid on Table, Refer to HB 0935

[Click here](#) for more information

HB 0935 - Relating to Florida False Claims Act

by Young CS Sponsors: Judiciary Committee, Civil Justice Subcommittee

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

04/26/13 HOUSE Ordered enrolled

04/30/13 HOUSE Enrolled Text (ER) Filed

05/20/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/04/13)

06/03/13 Approved by Governor; Chapter No. 2013-104

[Click here](#) for more information

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SB 1666 - Relating to Mortgage Foreclosures

by Latvala CS Sponsors: Judiciary, Banking and Insurance

General Mortgage Foreclosures; Limiting the eligibility of retired judges to receive compensation and reimbursement under certain circumstances; revising the limitations period for commencing an action to enforce a claim of a deficiency judgment after a foreclosure action; requiring a court to treat a collateral attack on a final judgment of foreclosure on a mortgage as a claim for monetary damages under certain circumstances; revising the class of persons authorized to move for expedited foreclosure to include lienholders, etc.

Effective Date: Upon becoming a law.

03/03/13 SENATE Filed

05/02/13 SENATE Read Second Time; Amendments Adopted (656072, 753032, 761004); Amendments Failed (248360, 332480); Amendment Withdrawn (204430); Substituted for HB 0087; Laid on Table, Refer to HB 0087

[Click here](#) for more information

HB 0087 - Relating to Mortgage Foreclosures

by Passidomo CoSponsors: Caldwell, Cummings, Moraitis, Rodrigues (R) CS Sponsors: Judiciary Committee

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; revises term "termination"; provides that, for specified period, retired justice or retired judge is not subject to certain limitations otherwise applicable to retired employees; provides that, for specified period, retired justice or retired judge who returns to temporary employment as senior judge may continue to receive distribution of retirement account after providing proof of termination from regularly established position; specifies required contents of complaint seeking to foreclose on certain types of residential properties with respect to authority of plaintiff to foreclose on note & location of note; authorizes sanctions against plaintiffs who fail to comply with complaint requirements; provides for nonapplicability to proceedings involving timeshare interests; requires court to treat collateral attack on final judgment of foreclosure on mortgage as claim for monetary damages; prohibits such court from granting certain relief affecting title to foreclosed property.

Effective Date: upon becoming a law

01/03/13 HOUSE Filed

HOUSE Ordered enrolled

05/06/13HOUSE Enrolled Text (ER) Filed

05/28/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/12/13)

06/07/13 Approved by Governor; Chapter No. 2013-137

06/10/13 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 06/13/13, 1:30 pm, 117 K (No Votes Will Be Taken)

[Click here](#) for more information

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SB 1792 - Relating to Medical Negligence Actions

by Judiciary

General Medical Negligence Actions; Authorizing a health care practitioner or provider who reasonably expects to be deposed, to be called as a witness, or to receive discovery requests to consult with an attorney on certain matters; authorizing the disclosure of patient information in connection with litigation under certain circumstances; authorizing a medical liability insurer to recommend an attorney to a health care practitioner or provider under certain circumstances; providing that a

prospective defendant may conduct an interview with a claimant's treating health care provider as a tool of informal discovery, etc.

Effective Date: July 1, 2013

03/20/13 SENATE Filed (Formerly PCB 7030)

05/06/13 SENATE Enrolled Text (ER) Filed

05/28/13 Signed by Officers and presented to Governor (Governor must act on this bill by 06/12/13)

06/05/13 Approved by Governor; Chapter No. 2013-108

[Click here](#) for more information

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BUDGET BILLS

Below are the budget bills, which have passed this session.

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SB 7052 - Relating to Clerks of Court

by Appropriations

PCB Clerks of Court: Transferring the Clerks of the Court Trust Fund from the Justice Administrative Commission to the Department of Revenue; providing additional duties of the Legislative Budget Commission relating to clerks of court; revising provisions relating to preparation of budget requests by clerks; providing for reporting and certification of revenue deficits; providing that clerks of court and the Florida Clerks of Court Operations Corporation are subject to specified procurement requirements for expenditures made pursuant to specified provisions, etc.

Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2013

03/29/13 SENATE Filed

SENATE On Committee agenda - Appropriations, 04/03/13, 9:00 am, 412 K

04/03/13 SENATE Submitted as Committee Bill by Appropriations

04/04/13 SENATE Committee Bill Filed as S 1512

[Click here](#) for more information

SB 1512 - Relating to Clerks of Court

by Appropriations

General Driver Licensing: Revises provisions for exemption from obtaining driver license issued by this state; removes requirement that certain nonresidents possess an International Driving Permit; provides that nonresident of certain age possessing valid noncommercial driver license issued outside this state may operate noncommercial motor vehicle in this state; provides for retroactive application.

Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2016.

04/04/13 SENATE Filed (Formerly PCB 7052)

SENATE Ordered engrossed, then enrolled

05/06/13 SENATE Engrossed Text (E1) Filed

05/07/13 SENATE Enrolled Text (ER) Filed

05/10/13 Signed by Officers and presented to Governor (Governor must act on this bill by 05/25/13)

05/20/13 Approved by Governor; Chapter No. 2013-044

[Click here](#) for more information

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PRIORITY BILLS

Below are bills of priority we have been tracking this session. These are bills that the section had taken a position on, or was watching closely to determine whether a position should be taken in the future. Although these bills did not pass this session, we will continue to closely monitor them, as they may come up again next year.

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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

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

HB 1387 - Relating to Presuit Discovery in Medical Negligence Actions

by Gonzalez

General Presuit Discovery in Medical Negligence Actions: Revises authorization form for release of protected health information to clarify that authorization only permits health care providers to furnish copies of written & electronic medical records & clarifies provisions relating to use of patient's health information.

Effective Date: upon becoming a law

03/05/13 HOUSE Filed

03/08/13 HOUSE Referred to Civil Justice Subcommittee; Health Innovation Subcommittee; Judiciary Committee

05/03/13 HOUSE Died in Civil Justice Subcommittee

[Click here](#) for more information

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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

02/19/13 SENATE Referred to Health Policy; Judiciary; Rules

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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SB 1308 - Relating to Medical Negligence Actions

by Lee (T)

General Medical Negligence Actions; Providing circumstance under which patient records may be released without prior written authorization; revising conditions under which confidential patient information acquired in the course of care or treatment may

be disclosed by a health care practitioner; revising the form for the authorization for release of protected health information; authorizing certain individuals and entities to conduct ex parte interviews with the claimant's health care providers, etc.

Effective Date: July 1, 2013

02/28/13 SENATE Filed

03/04/13 SENATE Referred to Judiciary; Health Policy; Rules

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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SB 1310 - Relating to Medical Negligence Actions

by Lee (T)

General Medical Negligence Actions; 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; revising qualifications to give expert testimony on the prevailing professional standard of care; deleting provision regarding limitations of section, etc.

Effective Date: July 1, 2013

02/28/13 SENATE Filed

03/04/13 SENATE Referred to Judiciary; Health Policy

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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SB 1312 - Relating to Medical Negligence Claims

by Lee (T)

General Medical Negligence Claims; 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; requiring that the arbitration agreement be governed by ch. 682, F.S.; authorizing the arbitration agreement to contain a provision that limits an award of damages, etc.

Effective Date: July 1, 2013

02/28/13 SENATE Filed

03/04/13 SENATE Referred to Judiciary; Health Policy

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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SB 1314 - Relating to Medical Negligence Actions

by Lee (T)

General Medical Negligence Actions; Prescribing limitations on medical negligence actions against hospitals, etc.

Effective Date: July 1, 2013

02/28/13 SENATE Filed

03/04/13 SENATE Referred to Judiciary; Health Policy

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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HB 0827 - Relating to Medicine

by Gaetz (M) CoSponsors: Harrell, Perry CS Sponsors: Judiciary Committee, Civil Justice Subcommittee

General Medicine: Revises provisions relating to disclosure of information provided to health care practitioners by patients; 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 expressly permit certain persons to interview specified health care providers without notice to or presence of patient or patient's legal representative.

Effective Date: July 1, 2013
02/15/13 HOUSE Filed
02/28/13 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee
05/03/13 HOUSE Died on Second Reading
[Click here](#) for more information

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SB 1284 - Relating to Civil Remedies Against Insurers

by Thrasher

General Civil Remedies Against Insurers; Requiring a party bringing a common-law claim of bad faith against an insurer to first provide written notification to the Department of Financial Services and the insurer; requiring that such notice specify the common-law duty violated by the insurer and specify the amount of moneys that an insurer has failed to pay if the violation includes such failure; providing that a violation based on certain statutory or common-law claim is corrected by payment of certain monetary tenders by an insurer, etc.

Effective Date: July 1, 2013
02/28/13 SENATE Filed
03/04/13 SENATE Referred to Judiciary; Banking and Insurance
05/03/13 SENATE Died in Judiciary
[Click here](#) for more information

HB 0813 - Relating to Civil Remedies Against Insurers

by Passidomo CS Sponsors: Civil Justice Subcommittee

General Civil Remedies Against Insurers: Requires insureds, claimants, or persons acting on their behalf to provide insurer with written notice of loss as condition precedent to statutory or common-law action for bad-faith failure to settle insurance claim; provides that insurer is not liable for claim of bad faith failure to settle claim if certain conditions are met.

Effective Date: July 1, 2013
02/15/13 HOUSE Filed
02/28/13 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee
05/03/13 HOUSE Died in Judiciary Committee
[Click here](#) for more information

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SB 1384 - Relating to Nursing Home Litigation

by Galvano CS Sponsors: Judiciary

General Nursing Home Litigation; Providing that a nursing home resident who alleges negligence or a violation of residents' rights has a cause of action against the nursing home licensee or its management company and the licensee's direct caregiver employees; providing that a claim for punitive damages may not be brought unless there is a showing of admissible evidence proffered by the parties which provides a reasonable basis for recovery of punitive damages when certain criteria are applied, etc.

Effective Date: Upon becoming a law.
02/28/13 SENATE Filed
03/04/13 SENATE Referred to Judiciary; Health Policy; Rules
05/03/13 SENATE Died on Calendar
[Click here](#) for more information

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
02/28/13 HOUSE Referred to Civil Justice Subcommittee; Health Innovation
05/03/13 HOUSE Died in Health Innovation Subcommittee
[Click here](#) for more information

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HB 7033 - Relating to Judiciary

by Civil Justice Subcommittee, Stone

General Judiciary: Revises requirements for appointment of members of judicial nominating commissions; provides that, with exception of members selected from list of nominees provided by Board of Governors of The Florida Bar, current member of judicial nominating commission (JNC) appointed by Governor serves at pleasure of Governor; provides for each expired term or vacancy to be filled by appointment in same manner as member whose position is being filled; deletes obsolete provisions; deletes requirement that Executive Office of Governor establish uniform rules of procedure consistent with State Constitution when suspending for cause member of JNC; provides that JNC for 1st DCA will nominate persons to Office of Judges of Compensation Claims; deletes provisions creating nominating commission solely for Office of Judges of Compensation Claims.

Effective Date: upon becoming a law
02/27/13 HOUSE Filed (Formerly PCB CJS3)
03/06/13 HOUSE Referred to Judiciary Committee
05/03/13 HOUSE Died in Health Innovation Subcommittee
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SCCB1 - Relating to Sovereign Immunity

by Select Committee on Claim Bills

PCB PCB SCCB 13-01 -- Sovereign Immunity

03/19/13 HOUSE Filed
03/20/13 HOUSE On Committee agenda - Select Committee on Claim Bills, 3/21/13, 9:00 am, 404 H
03/21/13 HOUSE Submitted as Committee Bill by Select Committee on Claim Bills; 5 Yeas, 3 Nays
03/25/13 HOUSE Committee Bill filed as H 7123

HB 7123 - Relating to Sovereign Immunity

by Select Committee on Claim Bills, Grant

General Sovereign Immunity: Revises requirements relating to waiver of sovereign immunity; requires judge to determine damages; provides certain damages be placed into trust; provides for distribution of damages in trust upon the death of a claimant; provides for periodic payment of damages; authorizes political subdivisions to insure for certain amounts to avoid claim bill; provides requirements with respect to such insurance; prohibits claim bill upon certain conditions; provides a remedy against insurers who act in bad faith; raises caps on damages for awards against local governments; provides for settlement above the cap on damages; provides for annual adjustment to the cap on damages against local governments; provides requirements for lobbyists of claim bills; removes a limitation on presenting claim to Legislature; limits ability to file claim bill; names provisions as "Florida Fair Claims Act"; provides for severability; provides for applicability.

Effective Date: October 1, 2013
03/25/13 HOUSE Filed (Formerly PCB SCCB1)
03/28/13 HOUSE Referred to Appropriations Committee; Judiciary Committee
05/03/13 HOUSE Died in Appropriations Committee
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BILLS OF INTEREST:

Below are bills of interest we have been tracking this session. Although these bills did not pass this session, we will continue to closely monitor them, as they may come up again next year.

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

by Hays CoSponsors: Evers CS Sponsors: Governmental Oversight and Accountability, Judiciary

General Application of Foreign Law in Certain Cases; Clarifying 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 in certain proceedings or actions brought after the act becomes a law; providing that the act does not apply to a corporation, partnership, or other form of business association, except when necessary to provide effective relief in actions or 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

05/03/13 SENATE Died on Calendar

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

by Metz CoSponsors: Adkins, Ahern, Albritton, Brodeur, Caldwell, Campbell, Davis, Gaetz (M), Raburn, Spano, Steube, Van Zant, Broxson CS Sponsors: Judiciary Committee

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

05/02/13 SENATE Received; Withdrawn from Judiciary, Governmental Oversight and Accountability, Children, Families, and Elder Affairs, Rules; Attempt to substitute for SB 0058 failed

05/03/13 HOUSE Died on Calendar

[Click here](#) for more information

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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

05/03/13 SENATE Died in Community Affairs

[Click here](#) for more information

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

05/03/13 HOUSE Died 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

05/03/13 SENATE Died in Commerce and Tourism

[Click here](#) for more information

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
05/03/13 HOUSE Died in Civil Justice Subcommittee
[Click here](#) for more information

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SB 0362 – Use of Deadly Force

by Bullard CoSponsors: Thompson
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
05/03/13 SENATE Died in Criminal Justice
[Click here](#) for more information

HB 0123 – Use of Deadly Force

by Stafford CoSponsors: Pafford, Watson (B)
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
05/03/13 HOUSE Died in Criminal Justice Subcommittee
[Click here](#) for more information

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SB 0392 - Relating to Joint Use of Public School Facilities

by Brandes CoSponsors: Bradley, Flores, Garcia
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
05/03/13 SENATE Died in Education
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HB 0525 - Relating to Joint Use of Public School Facilities

by Raburn CoSponsors: Adkins, Cummings, Diaz (M), Grant, Raschein, Rodrigues (R),
Edwards
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
05/03/13 SENATE Died in Education
[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
05/03/13 SENATE Died in Judiciary
[Click here](#) for more information

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
02/20/13 HOUSE Referred to Civil Justice Subcommittee; Appropriations Committee;
Judiciary Committee
05/03/13 HOUSE Died in Civil Justice Subcommittee
[Click here](#) for more information

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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
05/03/13 SENATE Died in Ethics and Elections
[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

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

05/03/13 HOUSE Died in Civil Justice Subcommittee
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SB 1016 - Relating to Dentistry

by Hays CS Sponsors: Judiciary, Health Policy

General Dentistry; Prohibiting a contract between a health insurer, a prepaid limited health service organization, or a health maintenance organization and a dentist from requiring the dentist to provide services at a fee set by the insurer or the organization under certain circumstances; requiring a contract with a governmental contractor for health care services to include a provision for a health care provider licensed under ch. 466, F.S., as an agent of the governmental contractor, to allow a patient or a parent or guardian of the patient to voluntarily contribute a fee to cover costs of dental laboratory work related to the services provided to the patient without forfeiting sovereign immunity, etc.

Effective Date: July 1, 2013

02/20/13 SENATE Filed

02/25/13 SENATE Referred to Health Policy; Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations

05/03/13 HOUSE Died in Messages

[Click here](#) for more information

HB 1205 - Relating to Sovereign Immunity for Dentists and Dental Hygienists

by Magar, Spano CoSponsors: Artilles, Campbell, Cummings, Edwards CS Sponsors: Health Quality Subcommittee

General Sovereign Immunity for Dentists and Dental Hygienists: Requires contract with governmental contractor for health care services to include provision for health care provider licensed under ch. 466, F.S., as an agent of governmental contractor, to allow patient or parent or guardian of patient to voluntarily contribute fee to cover costs of dental laboratory work related to services provided to patient without forfeiting sovereign immunity; prohibits contribution from exceeding actual amount of dental laboratory charges; provides that contribution complies with specified requirements.

Effective Date: July 1, 2013

03/01/13 HOUSE Filed

03/06/13 HOUSE Referred to Health Quality Subcommittee; Appropriations Committee; Health & Human Services Committee

05/03/13 HOUSE Died in Health & Human Services Committee

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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

02/28/13 SENATE Referred to Health Policy; Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations

05/03/13 SENATE Died in Health Policy

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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

02/28/13 HOUSE Referred to Civil Justice Subcommittee; Health Care Appropriations Subcommittee; Judiciary Committee

05/03/13 HOUSE Died in Civil Justice Subcommittee

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SB 1134 - Relating to Compensation for Personal Injury or Wrongful Death Arising from a Medical Injury

by Hays

General Compensation for Personal Injury or Wrongful Death Arising from a Medical Injury; Citing this act as the "Patient Injury Act"; requiring the Department of Health or certain boards thereof to require the completion of a course relating to communication of medical errors; specifying that certain provisions are an exclusive remedy for personal injury or wrongful death; providing for a determination of compensation upon a prima facie claim of a medical injury having been made; requiring notice to patients of provider participation in the Patient Compensation System, etc.

Effective Date: July 1, 2013

02/22/13 SENATE Filed

02/28/13 SENATE Referred to Judiciary; Health Policy; Appropriations; Rules

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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

by Brodeur CoSponsors: Pigman

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

02/28/13 HOUSE Referred to Civil Justice Subcommittee; Health & Human Services Committee; Judiciary Committee

05/03/13 HOUSE Died in Civil Justice Subcommittee

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SB 1216 - Relating to Employers and Employees

by Bradley CS Sponsors: Criminal Justice

General Employers and Employees; Providing jurisdiction of county courts over wage theft civil actions; providing a definition for the term "wage theft"; creating a civil cause of action for wage theft; providing the procedure for filing of a civil action for wage theft; requiring a claimant to notify the employer of the employee's intention to initiate a civil action; authorizing a county, municipality, or political subdivision to establish a process by which a claim may be filed, etc.

Effective Date: Upon becoming a law.

02/27/13 SENATE Filed

03/01/13 SENATE Referred to Criminal Justice; Judiciary; Commerce and Tourism; Appropriations

05/03/13 SENATE Died on Calendar

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SB 1218 - Relating to Residential Foreclosure Proceedings

by Soto

General Residential Foreclosure Proceedings; Citing this act as the "Florida Mortgage Collection Fairness Act"; prohibiting a mortgage collection firm from offering false evidence in a mortgage foreclosure proceeding; providing that a violation is a deceptive and unfair trade practice; providing penalties and remedies; providing for the award of attorney fees and costs under certain circumstances, etc.

Effective Date: July 1, 2013

02/27/13 SENATE Filed

03/01/13 SENATE Referred to Criminal Justice; Judiciary; Banking and Insurance; Appropriations

05/03/13 SENATE Died in Criminal Justice

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HB 1101 - Relating to Residential Foreclosure Proceedings

by Rodríguez (J)

General Residential Foreclosure Proceedings: Provides short title; defines term "mortgage collection firm"; prohibits mortgage collection firm from offering false evidence in mortgage foreclosure proceeding; provides that violation is deceptive & unfair trade practice; provides penalties & remedies; provides for award of attorney fees & costs under certain circumstances.

Effective Date: July 1, 2013

02/27/13 HOUSE Filed

03/06/13 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee

05/03/13 HOUSE Died in Civil Justice Subcommittee

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SB 1270 - Relating to Liability of a Property Owner

by Hays

General Liability of a Property Owner; Modifying the definition of "outdoor recreational purposes"; providing that a person who, without charge, provides the public with an area for aviation activities owes no duty of care to keep that area safe for others, etc.

Effective Date: July 1, 2013

02/27/13 SENATE Filed

03/01/13 SENATE Referred to Judiciary; Environmental Preservation and Conservation; Rules

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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SB 1380 - Relating to Justices and Judges

by Lee (T)

General Justices and Judges; Providing that "termination" for a senior justice or judge occurs when all employment ceases and the justice or judge retires from the Florida Retirement System; providing that a senior justice or judge is not subject to certain specified limitations on employment after retirement; increasing by specified amounts the required employer contribution rates of the Florida Retirement System and the required employer contribution rates for the unfunded actuarial liability of the Florida Retirement System, etc.

Effective Date: July 1, 2013

02/28/13 SENATE Filed

03/04/13 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Appropriations

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

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SB 1402 - Relating to Damages for Medical or Health Care Services

by Stargel

General Damages for Medical or Health Care Services; Limiting recovery of damages for medical or health care services to amounts actually paid if no balance to the provider is outstanding; requiring medical or health care services to be medically necessary in order to be recoverable; providing that a patient is not liable for payment of a procedure that is medically unnecessary and nonpayment may be asserted as an affirmative defense in any action to recover damages; providing for reduction of awards under specified provisions, etc.

Effective Date: Upon becoming a law and shall apply to all causes of action arising on or after that date.

03/01/13 SENATE Filed

03/06/13 SENATE Referred to Judiciary; Health Policy; Rules

05/03/13 SENATE Died in Judiciary

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HB 0587 – Relating to Damages for Medical Services

by Hood CS Sponsors: Civil Justice Subcommittee

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, with certain exclusions, 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

05/03/13 HOUSE Died in Judiciary Committee

[Click here](#) for more information

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SB 1444 - Relating to Fiscal Stability Trust Fund/State Courts System

by Thompson

Trust Fund/Gen. Fiscal Stability Trust Fund/State Courts System; Creating the Fiscal Stability Trust Fund within the state courts system to be administered by the Supreme Court; providing for fund revenues; providing for administration of the trust fund and use of moneys in the fund; requiring balances to remain in the trust fund at the end of the fiscal year; providing for future review and termination or re-creation of the trust fund, etc.

Effective Date: July 1, 2013, if SB ____ or similar legislation is enacted in the same legislative session or an extension thereof and becomes law, but this act shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature.

03/01/13 SENATE Filed

03/07/13 SENATE Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

05/03/13 SENATE Died in Judiciary

[Click here](#) for more information

HB 1347 - Relating to Trust Funds/Fiscal Stability TF/State Courts System

by Thurston

General Trust Funds/Fiscal Stability TF/State Courts System: Creates Fiscal Stability TF within state courts system to be administered by Supreme Court; provides for fund revenues; provides for administration of trust fund & use of moneys in fund; requires balances to remain in trust fund at end of fiscal year; provides for future review & termination or re-creation of trust fund.

Effective Date: July 1, 2013

03/04/13 HOUSE Filed

03/08/13 HOUSE Referred to Civil Justice Subcommittee; Government Operations Subcommittee; Judiciary Committee

05/03/13 HOUSE Died in Civil Justice 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

05/03/13 HOUSE Died in Civil Justice Subcommittee

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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

03/04/13 HOUSE Withdrawn prior to introduction

[Click here](#) for more information

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HB 0943 - Relating to Public Records Exemption

by Schwartz CS Sponsors: Judiciary Committee

General Public Records: 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 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

03/04/13 HOUSE Referred to Civil Justice Subcommittee; Government Operations Subcommittee; Judiciary Committee

05/03/13 SENATE Died in Children, Families, and Elder Affairs

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HB 1125 - Relating to Employers and Employees

by Goodson CS Sponsors: Local & Federal Affairs Committee, Civil Justice Subcommittee

General Employers and Employees: Creates civil cause of action for wage theft; provides jurisdiction; provides procedure for filing of civil action for wage theft; provides jurisdiction; requires claimant to notify employer of employee's intention to initiate civil action; provides employer specific time to resolve action; provides statute of limitations; requires claimant to prove wage theft by preponderance of evidence; prohibits certain damages; authorizes county, municipality, or political subdivision to establish process by which claim may be filed; prohibits local government from adopting or maintaining in effect certain laws, ordinances, and rules for purpose of addressing unpaid wage claims; prohibits preemption of certain local ordinances governing wage theft; provides that any regulation, ordinance, or other provision for recovery of unpaid wages is prohibited & preempted to state.

Effective Date: upon becoming a law
02/28/13 HOUSE Filed

03/06/13 HOUSE Referred to Civil Justice Subcommittee; Local & Federal Affairs Committee; Judiciary Committee

05/03/13 SENATE Died in Criminal Justice

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HB 1177 - Relating to Mortgage Loan Servicing

by Danish

General Mortgage Loan Servicing: Creates "Florida Homeowners Bill of Rights Act"; provides procedures, requirements, & limitations with respect to mortgage servicer's processing of borrower's application for modification of mortgage loan as foreclosure prevention alternative; requires mortgage servicer to provide single point of contract for mortgage borrower seeking mortgage modification; requires single point of contact to engage in specified activities & perform certain services with respect to borrowers; provides requirements & procedures with respect to borrower's request for short sale of mortgaged property; provides requirements, procedures, & limitations with respect to mortgage servicer's obtaining of force-placed insurance coverage on borrower's mortgaged property; defines "robo-signed" or "robo-signing"; provides for imposition of civil penalties against any mortgage servicer who engages in robo-signing; provides for private causes of action for material violations of act by mortgage servicers; provides for statutory & actual damages & attorney fees & costs in such actions.

Effective Date: July 1, 2013

03/01/13 HOUSE Filed

03/06/13 HOUSE Referred to Insurance & Banking Subcommittee; Civil Justice Subcommittee; Justice Appropriations Subcommittee; Regulatory Affairs Committee

05/03/13 HOUSE Died in Insurance & Banking Subcommittee

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HB 1305 - Relating to Punitive Damages

by Tobia

General Punitive Damages: Specifies that statutory limits on punitive damages do not create presumption as to appropriate level of damages.

Effective Date: upon becoming a law

03/04/13 HOUSE Filed

03/08/13 HOUSE Referred to Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

05/03/13 HOUSE Died in Justice Appropriations Subcommittee

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HB 1345 - Relating to State Judicial System

by Thurston

General State Judicial System: Construes application of common & statute laws of England to state; expands list of recipients required to be provided specified annual report of Florida Supreme Court; specifies required use of such report; requires Supreme Court to develop plan for civics promotion & judicial branch education purposes; requires annual plan implementation report; specifies report recipients & uses; requires Supreme Court to submit to specified recipients all final reports completed by specified committees; specifies uses of such reports; requires Auditor General & OPPAGA to conduct biennial full audit reviews & examinations of state courts system; requires reports; specifies report recipients; specifies additional jurisdiction of circuit courts; establishes specified divisions within each judicial circuit for specified purposes; provides for administration of divisions; increases membership of Judicial Qualifications Commission; revises commission expenses authorization; requires commission to hire staff for each commission panel; provides requirements for staff committees for commission panels; requires reports of staff committees; specifies report recipients; specifies such reports as public records; requires Auditor General & OPPAGA to conduct biennial full audit reviews & examinations of commission.

Effective Date: July 1, 2013

03/04/13 HOUSE Filed

03/08/13 HOUSE Referred to Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

05/03/13 HOUSE Died in Civil Justice Subcommittee

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HB 5301 - Relating to Clerks of Court

by Justice Appropriations Subcommittee, McBurney

General Clerks of Court: Transfers Clerks of Court Trust Fund from Justice Administrative Commission to DOR; provides additional duties of Legislative Budget Commission relating to clerks of court; revises duties of Florida Clerks of Court Operations Corporation; provides requirements for annual submission of proposed budget & related information; revises language concerning functions that may & may not be funded from specified sources; specifies that only certain functions may be funded from fees, service charges, costs, & fines retained by clerks of court; revises provisions relating to preparation of budget requests; provides for certification of revenue deficits by clerks; provides procedures for retention of additional revenues by clerks & release of funds from specified trust fund in certain circumstances; provides for remission of certain excess collections.

Effective Date: July 1, 2013

03/28/13 HOUSE Filed (Formerly JUAS2)
HOUSE Referred to Appropriations Committee
04/12/13 HOUSE Laid on Table
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We look forward to keeping you informed with the latest Florida legislative news from the 2013 session, and the upcoming 2014 session.

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