



TRIAL LAWYERS SECTION
THE FLORIDA BAR

LEGISLATIVE REPORT

March 11, 2008

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Weekly Wrap Up

SESSION 2008, WEEK 1

TRIAL LAWYERS SECTION OF THE FLORIDA BAR

Dear FLATLS,

For the 2007-2008 current budget year (ending June 30, 2008), the Trial Lawyer Section of the Florida Bar has been working with other Bar lobbyists, and representatives of the groups involved in court system funding. It is expected that the revised 2007-2008 budget will be voted on by the full House and Senate on Wednesday, March 12th.

As of Friday, March 7th, a resolution had been reached that was first announced at the meeting of the **Senate Criminal and Civil Justice Appropriations Committee**, held on Monday, March 3, 2008.

To recap this week's events, **Senator Crist**, the Chairman, explained that the Committee had found sufficient funds remaining in existing trust funds (left over and unspent dollars), to eliminate \$12.6 million of the \$17.1 million deficit that was said to exist the previous week. **Senator Crist** stressed that they did not want any furloughs in the court system at all. The \$12.6 million came from: mediation and arbitration trust fund (\$2.7m); court's education trust fund (\$3.6 m); operating trust fund for the trial courts (\$4.2m); and, from non-recurring general revenue (\$2.1m).

This left \$4.5 million net reduction, which would still require state attorneys and public defenders to be furloughed for a total of 58 days, depending upon the particular circuit. **Senator Crist** promised to work on that over the next few days.

On the Senate floor on Thursday, March 6th, **Senator Crist** announced that they had found an additional \$2.5 million, and that as a result no furloughs for State Attorneys or Public Defenders were necessary.

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

UPDATE:

The **House Committee on Courts** met to hear several bills, including [HB 295](#) which allows former judges or justices who are not currently practicing law to be eligible to receive compensation for serving in judicial positions on a temporary basis subject to acceptance and appointment, even if they were defeated in their last election. The bill was passed favorably with amendments and will next be heard in the **House Safety & Security Council**.

IMPORTANT DATES:

March 4th

First Day of Regular Session 2008

Final Member Bill Filing Deadline, 12:00 p.m.

April 22nd

50th day – last day for regularly scheduled committee meetings

April 28th

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

May 2nd

60th day - Last Day of Regular Session 2008

**SESSION,
COMMITTEE &
COUNCIL
MEETINGS:**

Tuesday, 3/11
HOUSE Policy &
Budget Council
1:00 – 4:00
(212 K)

SENATE Judiciary
2:00 – 4:30
(110 S)

Wednesday, 3/12
HOUSE Courts
8:00 – 11:00
(212 K)

HOUSE Safety &
Security Council
8:00 – 11:00
(Reed Hall)

SENATE Session
9:00 – 2:00

HOUSE Session
11:30 – 3:30

Thursday, 3/13
SENATE Session
1:00 – 2:30

HOUSE Session
1:00 – 3:00

SENATE Criminal &
Civil Justice
Appropriations
3:00 – 6:00
(37 S)

SENATE General
Government
Appropriations
3:00 – 6:00
(401 S)

Friday, 3/14
HOUSE Session
9:00 – 12:00

SENATE Criminal &
Civil Justice
Appropriations
9:00 – 12:00
(37 S)

SENATE General
Government
Appropriations
9:00 – 12:00
(401 S)

The **Senate Committee on Criminal Justice** met and considered many bills. **Senator Villalobos** presented [SB 268](#) ("Truth in Government Act") which requires any person who wishes to address a committee of the Florida Legislature to take an oath or affirmation declaring that they will speak truthfully. Legislators and staff would be required to sign a card that complies with the oath as well. Last year, the bill included everyone, however, this year the bill does not apply to the general public or to minors. The bill passed favorably.

[SB 300](#) was presented by **Senator Crist** and passed favorably. The bill increases the fee charged by the sheriff in civil cases for service of process from \$20 to \$40. It was explained that the charge will be per paper, not per attempted serving. The **Florida Association of Process Servers** and the **Florida Sheriff's Association** both spoke in favor of the bill. It will next be heard in the **Senate Committee on Criminal Justice Appropriations**.

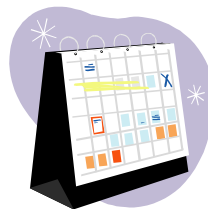
The **House Safety & Security Council** met and passed favorably [HB 145](#) which provides purposes and legislative intent regarding the implementation of a unified family court program in the circuit courts. HB 145 will next be considered by the **House Policy & Budget Council**.

NEWS & NOTES:

Court budget cuts have dominated recent headlines.

- "Courts get budget reprieve" by shifting money from trust fund reserves according to [this article](#) appearing in the *Tallahassee Democrat*.
- The 18th Judicial Circuit Chief Judge Clayton Simmons has left "vacant positions unfilled and halting travel to seminars" to deal with budget cuts per [this article](#) on FloridaToday.com.
- County Administrator Ed Hunzeker said that county commissioners will consider paying for two security officers at the old courthouse at their next meeting March 11, according to an article entitled "[Courthouse cuts could put employees at risk](#)" appearing in the *Bradenton Herald*.
- "[Budget cuts may spare public defenders](#)" according to the *Miami Herald*.
- *The Palm Beach Post* reports that "[Lawyers fear cuts, caseload overflow](#)" and are leaving unfilled positions vacant.
- "[Florida Supreme Court weighs 'false light' defamation cases](#)" on March 6th reports the *Tallahassee Democrat*.
- The *Pensacola News Journal* also reports on 'false light' in [this article](#), "case pits privacy against press freedom".

DATES & DEADLINES:



[Click here](#) to view the House calendar for this week, March 10th – 14th.

[Click here](#) to view the Senate calendar for this week, March 10th – 14th.

***Tentative calendars subject to change.**

BILLS OF INTEREST: Top priority bills are listed at the beginning of this section, followed by bills that are up in committee or council this week and bills we are monitoring. Similar and identical bills are listed together. Committees and Councils are *italicized*; bills on an agenda and votes are noted in red.

.....: **PRIORITY BILLS** :.....

HB 295 – Senior Judges

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

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

EFFECTIVE DATE: July 1, 2008

11/26/07 HOUSE Filed

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

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

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

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

[Click here](#) for more information.

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

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

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

Effective Date: 07/01/2008

12/10/07 SENATE Filed

01/09/08 SENATE Referred to *Judiciary*

[Click here](#) for more information.

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HB 1219 – Florida Arbitration Code

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

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

Effective Date: July 1, 2008

02/28/08 HOUSE Filed

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

[Click here](#) for more information.

SB 2076 – Florida Arbitration

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

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

EFFECTIVE DATE: 07/01/2008.

02/20/08 SENATE Filed

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

[Click here](#) for more information.

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HB 645 – Expert Witnesses

GENERAL BILL by Ross (Identical [SB 1448](#))

Expert Witnesses: Revises requirements for admission of expert testimony; provides that facts or data that are otherwise inadmissible shall not be disclosed to jury except in specified circumstances; provides for pretrial hearing to determine whether an expert's proposed testimony satisfies specified requirements; provides standard for appellate review of such determination; provides for interlocutory appeal of ruling to admit or exclude expert testimony; requires courts to interpret specified provisions consistently with specified Federal Rules of Evidence & United States Supreme Court opinions.

Effective Date: July 1, 2008, and shall apply to all actions commenced on or after the effective date and to all pending actions in which trial has not been scheduled or in which trial commences more than 90 calendar days after that date
01/22/08 HOUSE Filed

01/28/08 HOUSE Referred to *Safety & Security Council*

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

[Click here](#) for more information.

SB 1448 – Relating to Expert Witnesses

GENERAL BILL by Wise (Identical [HB 645](#))

Expert Witnesses: Revises requirements for admission of expert testimony. Provides that facts or data that are otherwise inadmissible shall not be disclosed to a jury unless the court determines that the probative value of the facts or data in assisting the jury to evaluate the expert's opinion substantially outweighs the prejudicial effect of disclosing the facts or data, etc.

EFFECTIVE DATE: 07/01/2008.

01/30/08 SENATE Filed

02/21/08 SENATE Referred to *Judiciary; Criminal Justice*

[Click here](#) for more information.

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..... **BILLS BEING HEARD THIS WEEK**

HB 145 – Court Actions Involving Families

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

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

Effective Date: July 1, 2008.

09/24/07 HOUSE Filed

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

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

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

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

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

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

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

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

[Click here](#) for more information.

SB 628 - Relating to Court Actions Involving Families

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

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

EFFECTIVE DATE: Upon becoming law.

11/16/07 SENATE Filed

12/13/07 SENATE Referred to *Children, Families, & Elder Affairs; Judiciary*;

Criminal & Civil Justice Appropriations

02/11/08 SENATE **On Committee agenda** – *Children, Families, and Elder Affairs*, meeting 02/20/08, 2:15 pm (412 K)
02/20/08 SENATE **Favorable** with CS by *Children, Families, and Elder Affairs*; 7 Yeas, 0 Nays
02/22/08 SENATE Committee Substitute (C1) Filed
02/27/08 SENATE Now in *Judiciary*
03/06/08 SENATE **On Committee agenda - Judiciary**, 03/11/08, 2:00 pm, 110 S
[Click here](#) for more information.

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HB 95 – Legislature

GENERAL BILL by Llorente (**Similar [SB 268](#)**)

Legislature: Designates act "Truth in Government Act"; revises current provisions for oaths & affirmations for committee witnesses & penalties for false swearing; requires committee witnesses to take oath or affirmation; provides exceptions; requires committee member to administer oath or affirmation; provides penalties for false statements; provides for use of signed appearance card in lieu of oral oath or affirmation & penalties for making false statement after signing card.

EFFECTIVE DATE: July 1, 2008

08/29/07 HOSUE Filed

09/17/07 HOUSE Referred to *Government Efficiency & Accountability Council; Rules & Calendar Council*

03/06/08 HOUSE Referred to *Committee on State Affairs by Government Efficiency & Accountability Council*

[Click here](#) for more information.

SB 268 – Relating to Truth in Government Act/Legislature [LPCC]

GENERAL BILL by Villalobos; (CO-INTRODUCERS) Ring (**Similar [HB 95](#)**)

Truth in Government Act/Legislature [LPCC]: Requires any person who addresses a legislative committee to take an oath or affirmation of truthfulness. Excepts members of the general public who are not registered lobbyist or paid to appear and minors who are determined to understand the duty to tell the truth from such requirement. Authorizes the use of a signed appearance form in lieu of an oral oath or affirmation prior to addressing the committee, etc.

EFFECTIVE DATE: 07/01/2008

09/19/07 SENATE Filed

11/28/07 SENATE Referred to *Judiciary; Criminal Justice; Rules*

01/28/08 SENATE **On Committee agenda - Judiciary**, 02/06/08

02/06/08 SENATE **Favorable** by *Judiciary*; 11 Yeas, 0 Nays

02/07/08 SENATE Now in *Criminal Justice*

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

03/05/08 SENATE **Favorable** with CS by *Criminal Justice*; 9 Yeas, 0 Nays

03/06/08 SENATE Committee Substitute (C1) Filed

03/07/08 SENATE Now in *Rules*

03/10/08 SENATE **Bill to Be Discussed During the Office of the EDR's Criminal Justice Impact Conference**; 03/14/08, 2:30 p.m., 117 K (No Votes Will Be Taken)

[Click here](#) for more information.

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..... **MONITORED BILLS**

HB 45 – Adoption

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

Adoption: Provides that person who is homosexual is eligible to adopt child under certain circumstances; requires that certain eligibility criteria be met by clear & convincing evidence; provides that person who is homosexual is eligible to adopt

child if child's parents are deceased, person proposing to adopt child is child's guardian, & petition, declaration, or will or codicil meeting requirements of act is filed on or after July 1, 2008.

EFFECTIVE DATE: July 1, 2008

07/31/07 HOUSE Filed

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

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

[Click here](#) for more information.

SB 200 – Relating to Adoption [SPCC]

GENERAL BILL by Rich (Similar [HB 45](#))

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

EFFECTIVE DATE: 07/01/2008.

09/06/07 SENATE Filed

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

[Click here](#) for more information.

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HB 47 – Civil Rights

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

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

EFFECTIVE DATE: July 1, 2008

08/01/07 HOUSE Filed

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

11/02/07 HOUSE Withdrawn prior to introduction

[Click here](#) for more information.

HB 191 – Relating to Civil Rights/Prohibited Discrimination

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

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

EFFECTIVE DATE: 07/01/2008.

10/11/07 HOUSE Filed

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

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

[Click here](#) for more information.

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

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

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

EFFECTIVE DATE: 07/01/2008.

10/26/07 SENATE Filed

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

[Click here](#) for more information.

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HB 209 – Service of Process

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

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

EFFECTIVE DATE: October 1, 2008

10/30/07 HOUSE Filed

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

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

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

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

[Click here](#) for more information.

SB 300 - Relating to Service of Process [LPCC]

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

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

EFFECTIVE DATE: 07/01/2008.

09/24/07 SENATE Filed

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

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

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

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

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

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

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

[Click here](#) for more information.

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HB 523 – Health Care Providers/Immunity from Civil Damages

GENERAL BILL by Homan (**Similar [SB 844](#)**)

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

Effective Date: October 1, 2008

01/14/08 HOUSE Filed

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

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

[Click here](#) for more information.

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

GENERAL BILL by Bennett (Identical [HB 523](#))

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

Effective Date: 10/01/2008

12/19/07 SENATE Filed

01/24/08 SENATE Referred to *Health Regulation; Judiciary*

[Click here](#) for more information.

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HB 589 – Civil Remedies

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

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

Effective Date: upon becoming a law

1/17/08 HOUSE Filed

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

[Click here](#) for more information.

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

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

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

Effective Date: 07/01/2008.

12/21/07 SENATE Filed

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

[Click here](#) for more information.

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HB 719 - Court Costs

GENERAL BILL by Ford (Compare [SB 608](#))

Court Costs; Provides for waiver of specified services costs for indigent persons; deletes provisions providing for enrollment in payment plans, payment of processing charges, determinations of monthly payment amounts, review of payment plan amounts, & case limitations based upon nonpayment of fees; provides exceptions for imposing state court facilities funding surcharges concurrently for specified purposes.

Effective Date: July 1, 2008

01/23/08 HOUSE Filed

02/06/08 HOUSE Referred to *Safety & Security Council*

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

[Click here](#) for more information.

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

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

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

EFFECTIVE DATE: 07/01/2008.

10/30/07 SENATE Filed

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

[Click here](#) for more information.

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HB 869 – Court Costs

GENERAL BILL by Reagan

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

EFFECTIVE DATE: 07/01/2008

02/07/08 HOUSE Filed

02/13/08 HOUSE Referred to *Safety & Security Council; Policy & Budget Council*
02/21/08 HOUSE Referred to *Committee on Courts* by *Safety & Security Council*

[Click here](#) for more information.

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HB 8001 – Equal Rights for Men and Women

CONCURRENT RESOLUTION by Planas; (CO-SPONSORS) Brandenburg; Cusack; Fitzgerald; A. Gibson; Jenne; Kiar; Kriseman; Long; Porth; Robaina; Schwartz; Vana; Zapata (**Identical [S 0362](#)**)

Equal Rights for Men and Women; Ratifies the proposed amendment to the United States Constitution relating to equal rights for men and women, etc.

09/24/07 HOUSE Filed

02/14/08 HOUSE Referred to *Government Efficiency & Accountability Council; Policy & Budget Council*

[Click here](#) for more information.

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

CONCURRENT RESOLUTION by Margolis; (CO-INTRODUCERS) Joyner (**Identical [HB 8001](#)**)

Equal Rights for Men and Women [LPCC]; Ratifies the proposed amendment to the United States Constitution relating to equal rights for men and women, etc.

09/27/07 SENATE Filed

11/28/07 SENATE Referred to *Judiciary; Rules*

[Click here](#) for more information.

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

GENERAL BILL by Fasano

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

EFFECTIVE DATE: 07/01/2008.

10/02/07 SENATE Filed

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

[Click here](#) for more information.

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SB 612 - Relating to Judges

GENERAL BILL by Crist

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

EFFECTIVE DATE: Upon becoming law.

10/30/07 SENATE Filed

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

[Click here](#) for more information.

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SB 1050 - Relating to State Judicial System

GENERAL BILL by Villalobos

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

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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SB 1052 – Relating to Individual Rights

GENERAL BILL by Villalobos

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

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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SB 1054 – Relating to Justice Administrative Commission

GENERAL BILL by Villalobos

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

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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SB 1056 – Relating to State Court System

GENERAL BILL by Villalobos

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

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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SB 1058 – Relating to Public Records and Meetings

GENERAL BILL by Villalobos

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

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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SB 1060 – Relating to State Constitution Amendment

JOINT RESOLUTION by Villalobos

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

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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SB 1072 – Relating to Judiciary

GENERAL BILL by Villalobos

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

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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SB 1074 – Relating to Litigation

GENERAL BILL by Villalobos

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

EFFECTIVE DATE: 07/01/2008.

01/10/08 SENATE Filed

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

[Click here](#) for more information.

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

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

Contingency Fee Agreements Between State Entities and Private Attorneys

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

Effective Date: July 1, 2008

03/03/08 HOUSE Filed

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

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

[Click here](#) for more information.

SB 2430 – Relating to Contingency Fee Agreements

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

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

EFFECTIVE DATE: 07/01/2008.

02/28/08 SENATE Filed

[Click here](#) for more information.

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HB 1443 – Relating to Medical Malpractice

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

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

Effective Date: July 1, 2008

03/04/08 HOUSE Filed

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

[Click here](#) for more information.

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

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

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

EFFECTIVE DATE: Upon becoming law.

01/28/08 SENATE Filed
02/21/08 SENATE Referred to *Health Regulation; Banking & Insurance; Judiciary*
03/04/08 SENATE Introduced, referred to *Health Regulation; Banking and Insurance; Judiciary* -SJ 00087
[Click here](#) for more information.

SB 2694 – Relating to Medical Malpractice Insurance

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

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

EFFECTIVE DATE: Upon becoming law.

02/29/08 SENATE Filed
[Click here](#) for more information.

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

GENERAL BILL by Ring

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

EFFECTIVE DATE: 07/01/2008.

02/07/08 SENATE Filed
02/27/08 SENATE Referred to *Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations; Rules*
03/04/08 SENATE Introduced, referred to *Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations; Rules* -SJ 00100
[Click here](#) for more information.

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

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

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

The entire State Court System
<http://www.oppaga.state.fl.us/profiles/1072/>

The Florida Supreme Court:
<http://www.oppaga.state.fl.us/profiles/1014/>

The District Courts of Appeal:

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

The Circuit Courts:

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

The County Courts:

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

CLOSING STATEMENT: Be on the lookout for a newsletter following the second week of Session.

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Weekly Schedule of the House of Representatives

Week 2

March 10, 2008 - March 14, 2008

Monday, Day 7 March 10, 2008	Tuesday, Day 8 March 11, 2008	Wednesday, Day 9 March 12, 2008	Thursday, Day 10 March 13, 2008	Friday, Day 11 March 14, 2008
<p>Notice deadline, 4:30 pm March 6, 2008</p> <p>TRAVEL</p> <p>11:30 – 2:30 Joint Sunset Committee</p> <p>3:00 – 4:30 Joint Administrative Procedures Committee</p> <p>Joint Legislative Committee on Everglades Oversight</p> <p>Joint Legislative Auditing Committee</p>	<p>Notice deadline, 4:30 pm March 7, 2008</p> <p>8:00 – 12:00 Healthcare Council 212K Healthy Families 12H Health Innov. 212K Health Quality 306H Healthy Seniors 24H</p> <p>Schools & Learning Council Morris Hall 21st Century Competitiveness 404H Education Innovation Career Prep. 116K K-12 Morris Hall Postsecondary Education Reed Hall</p> <p>12:00 – 1:00 LUNCH</p> <p>1:00 – 4:00 Policy & Budget Council 212K</p>	<p>Notice deadline, 4:30 pm March 10, 2008</p> <p>8:00 – 10:00 <u>Committees under the Government Efficiency & Accountability Council</u> Audit & Perform. 404H Military & Veterans Affairs 12H State Affairs Morris Hall Urban & Local Affairs 306H</p> <p><u>Committees under the Safety & Security Council</u> Constitution & Civil Law 24H Courts 212K Homeland Security & Public Safety Reed Hall Juvenile Justice 28H</p> <p>10:10 – 2:00 SESSION</p> <p>2:10 – 3:30 Government Efficiency & Accountability Council Morris Hall</p> <p>Environment & Natural Resources Council 404H</p> <p>Safety & Security Council Reed Hall</p> <p>3:45 – 6:00 <u>Committees under the Environment & Natural Resources Council</u> Agribusiness Reed Hall Conservation & State Lands 216C Energy Morris Hall Env. Protection 404H</p>	<p>Notice deadline, 4:30 pm March 11, 2008</p> <p>8:00 – 12:00 <u>Committees under the Economic Expansion & Infrastructure Council</u> Economic Dev. Reed Hall Ethics & Elections 12H Infrastructure 404H Tourism & Trade 28H</p> <p>Jobs & Entrepreneurship Council Morris Hall Business Reg. 306H Financial Inst. 24H Insurance Morris Hall Utilities & Telecom. 216C</p> <p>12:15 – 12:30 Rules & Calendar Council 404H</p> <p>1:00 – 3:00 Healthcare Council Morris Hall</p> <p>3:30 – 6:00 Economic Expansion & Infrastructure Council 404H</p>	<p>Notice deadline, 4:30 pm March 12, 2008</p> <p>9:00 – 3:00 <u>Committees under the Jobs & Entrepreneurship Council</u> Insurance Morris Hall</p>

Week 2 March 10 - 14, 2008

3rd AMENDED

3/11/08 4:00 pm

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

WEEKLY SCHEDULE OF SENATE MEETING TIME ALLOCATIONS

Week 2

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
March 10, 2008	March 11, 2008	March 12, 2008	March 13, 2008	March 14, 2008
11:30-2:30pm Joint Legis/Sunset Committee	9:00-11:30am (EPPC) Banking and Insurance 412K Commerce 401S Regulated Industries 110S Transportation 37S	9:00-2:00pm - Session	9:00-11:30am (RPCC) Agriculture 37S Comm/Public Utilities 301S Community Affairs 412K Environ/Pres/Conserv. 401S Govt. Operations 110S	9:00-12:00n (FPCC) Crim.& Civil Justice AP 37S Education Pre-K-12 AP 412K Gen. Govt. AP 401S Health/Human Svcs.AP 110S Higher Education AP 117K Trans.Econ.Dev. AP 309C
LUNCH & DISTRICT OFFICE	LUNCH & DISTRICT OFFICE	LUNCH & DISTRICT OFFICE	LUNCH & DISTRICT OFFICE	LUNCH/DISTRICT OFFICE
3:00-4:30pm Joint Committees: -Admin. Procedures -Auditing -Everglades Oversight -Intergovernmental Relations 5:00-5:30pm - Economic Opportunities Policy & Calendar Committee 401S 5:30-6:00pm - Social Responsibility Policy and Calendar Committee 401S	2:00-4:30pm (LPCC) Criminal Justice 401S Ethics and Elections 412K Judiciary 110S MilitaryAf/Domestic S. 301S	2:30-5:00pm (SPCC) Child/Fam/ElderAff. 412K Education Pre-K-12 110S Health Policy 301S Health Regulation 401S Higher Education 37S	1:00-2:30pm – Session 3:00-6:00pm (FPCC) Crim.& Civil Justice AP 37S Education Pre-K-12 AP 412K Finance & Tax 301S Gen. Govt. AP 401S Health/Human Svcs.AP 110S Higher Education AP 117K Trans.Econ.Dev. AP 309C	

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

March 4, 2008