

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

March 28, 2013

Bob L. Harris, Esq.  
Brittney Burch, L.A.  
Messer Caparello, P.A.

[www.lawfla.com](http://www.lawfla.com)

# Legislative Report

Trial Lawyers Section of the Florida Bar

**Dear FLATLS,**

The 2013 session officially began on, March 5<sup>th</sup>, with the House and Senate convening, as well as Governor Rick Scott giving his third State of the State speech.

House Republicans met on Monday, March 4<sup>th</sup>, to formally select Rep. Steve Crisafulli, R-Merritt Island, as Speaker-Designate for the 2014-16 term. In the customary show of bipartisanship, Crisafulli promised to work with the 44 House Democrats and minority leader-designate Darryl Rouson, D-St. Petersburg, returned the compliment.

More recently, Session will be on pause for Monday, Tuesday, and Friday of this week, as members of the legislature are taking a break in observance of the Passover and Easter holidays. However, both the Senate and House budget proposals were released and up for discussion in various Appropriations meetings throughout Wednesday and Thursday.

A bill to increase caps on liability claims subject to sovereign immunity passed through the House Select Committee on Claims Bills on Thursday, March 21<sup>st</sup>.

The bill, HB 7123 (formerly PCB SCCB 13-01), would raise the cap on liability claims for local governments and special taxing districts to \$1 million for individuals and \$1.5 million per incident. If a local government does not buy insurance, they would be subject to a claims bill if passed by the Legislature. Governing bodies can choose to buy insurance at up to three times the cap, at \$3 million and \$4.5 million, and the state would pay for damages in a claims bill beyond that amount.

**DATES & DEADLINES:**



**May 3, 2013 – Last day of regular session**

**PRIORITY BILLS:**

Below are the bills of priority, which have been filed so far this session. These are bills that the section has already taken a position on, or is watching closely to determine whether a position should be taken in the future.

.....

**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

[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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....

**SB 0286 - Relating to Design Professionals**

by Negron CoSponsors: Sobel CS Sponsors: Judiciary

General Design Professionals; Providing that certain contracts executed by a business entity may specify that certain architects, interior designers, landscape architects, engineers, and surveyors may not be held individually liable for negligence in the performance of professional services provided under those

contracts; specifying that a contract that prohibits individual liability must meet certain requirements, etc.

Effective Date: July 1, 2013

01/15/13 SENATE Filed

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

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

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

02/07/13 SENATE Now in Judiciary

03/01/13 SENATE On Committee agenda - Judiciary, 03/06/13, 2:00 pm, 110 S

03/06/13 SENATE Favorable with CS by Judiciary; 7 Yeas, 2 Nays

03/07/13 SENATE Committee Substitute Text (C1) Filed

SENATE Now in Community Affairs

03/11/13 SENATE On Committee agenda - Community Affairs, 03/14/13, 8:00 am, 301 S

03/14/13 SENATE Favorable by Community Affairs; 8 Yeas, 0 Nays

SENATE Placed on Calendar, on 2nd reading

SENATE Placed on Special Order Calendar, 03/19/13

03/19/13 SENATE Read Second Time; Amendment Failed (129170)

[Click here](#) for more information

### **HB 0575 - Relating to Design Professionals**

by Passidomo CoSponsors: Brodeur, Broxson, Gaetz (M), Hooper CS Sponsors: Civil Justice Subcommittee

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

Effective Date: July 1, 2013

01/31/13 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

03/04/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/06/13, 8:00 am, 404 H

03/06/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 13 Yeas, 0 Nays

03/11/13 HOUSE Committee Substitute Text (C1) Filed

03/12/13 HOUSE Now in Business & Professional Regulation Subcommittee

[Click here](#) for more information

.....

### **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

02/26/13 SENATE References corrected to Judiciary; Health Policy; Rules

SENATE Now in Judiciary  
[Click here](#) for more information

.....  
**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

[Click here](#) for more information

.....  
**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

[Click here](#) for more information

.....  
**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

[Click here](#) for more information

.....  
**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

[Click here](#) for more information

.....  
**SB 7030 - Relating to Medical Negligence Actions**

by Judiciary

PCB 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 a



medical liability insurer to recommend an attorney to a health care practitioner or provider under certain circumstances; revising qualifications to give expert testimony on the prevailing professional standard of care; authorizing certain individuals and entities to conduct ex parte interviews with the claimant's health care providers, etc.

Effective Date: July 1, 2013

03/13/13 SENATE Filed

SENATE On Committee agenda - Judiciary, 03/18/13, 3:30 pm, 110 S

03/18/13 SENATE Submitted as Committee Bill by Judiciary

03/20/13 SENATE Committee Bill filed as S 1792

[Click here](#) for more information

## **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 ex parte 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)

SENATE Referred to Rules

[Click here](#) for more information

.....

## **HB 0827 - Relating to Medicine**

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

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

Effective Date: July 1, 2013

02/15/13 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

03/04/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/06/13, 8:00 am, 404 H

03/06/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 9 Yeas, 4 Nays

03/11/13 HOUSE Committee Substitute Text (C1) Filed

03/12/13 HOUSE Now in Judiciary Committee

[Click here](#) for more information

.....

## **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  
[Click here](#) for more information

### **HB 0813 - Relating to Civil Remedies Against Insurers**

by Passidomo

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

Effective Date: July 1, 2013

02/15/13 HOUSE Filed

02/28/13 HOUSE Referred to Civil Justice Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

03/14/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/18/13, 2:00 pm, 404 H

03/18/13 HOUSE Temporarily Deferred by Civil Justice Subcommittee

[Click here](#) for more information

.....

### **SB 1384 - Relating to Nursing Home Litigation**

by Galvano

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

[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 Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

03/04/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/06/13, 8:00 am, 404 H

03/06/13 HOUSE Favorable by Civil Justice Subcommittee; 8 Yeas, 5 Nays

HOUSE Now in Health Innovation Subcommittee  
[Click here](#) for more information

.....

### **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

03/06/13 SENATE Referred to Judiciary; Rules

[Click here](#) for more information

### **CJS2 - Relating to Expert Testimony**

by Civil Justice Subcommittee

PCB PCB CJS 13-02 -- Expert Testimony

02/06/13 HOUSE Filed

HOUSE On Committee agenda - Civil Justice Subcommittee, 02/13/13, 2:00 pm, 404 H

02/13/13 HOUSE Submitted as Committee Bill by Civil Justice Subcommittee; 8 Yeas, 4 Nays

HOUSE Committee Bill filed as H 7015

### **HB 7015 - Relating to Expert Testimony**

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

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

Effective Date: July 1, 2013

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

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

HOUSE Now in Justice Appropriations Subcommittee

[Click here](#) for more information

.....

### **CJS3 - Relating to Judicial Nominating Commissions**

by Civil Justice Subcommittee

PCB PCB CJS 13-03 -- Judicial Nominating Commissions

02/13/13 HOUSE Filed

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

02/20/13 HOUSE Submitted as Committee Bill by Civil Justice Subcommittee; 8 Yeas, 4 Nays

02/27/13 HOUSE Committee Bill filed as H 7033

### **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

HOUSE Now in Judiciary Committee

[Click here](#) for more information

.....

### **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)

[Click here](#) for more information

.....

## **BILLS OF INTEREST:**

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

.....

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

Effective Date: Upon becoming a law.

11/19/12 SENATE Filed

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

03/01/13 SENATE On Committee agenda - Judiciary, 03/06/13, 2:00 pm, 110 S

03/06/13 SENATE Favorable with CS by Judiciary; 6 Yeas, 3 Nays

03/08/13 SENATE Committee Substitute Text (C1) Filed

03/11/13 SENATE Now in Governmental Oversight and Accountability

03/18/13 SENATE On Committee agenda - Governmental Oversight and Accountability, 03/21/13, 10:00 am, 412 K

03/21/13 SENATE Favorable with CS by Governmental Oversight and Accountability; 6 Yeas, 3 Nays

03/22/13 SENATE Committee Substitute Text (C2) Filed

[Click here](#) for more information

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

by Metz CoSponsors: Ahern, Caldwell, Gaetz (M), Raburn, Spano, Steube, Van Zant, Adkins 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  
HOUSE Now in Civil Justice Subcommittee

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

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

HOUSE Now in Judiciary Committee  
02/14/13 HOUSE On Committee agenda - Judiciary Committee, 02/21/13, 12:00 pm, 404 H  
02/21/13 HOUSE Favorable with CS by Judiciary Committee; 11 Yeas, 2 Nays  
02/27/13 HOUSE Committee Substitute Text (C1) Filed  
03/01/13 HOUSE Placed on Calendar, on 2nd reading  
[Click here](#) for more information

.....

### **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; providing that the initiation of arbitration in this state, or the making of a written agreement to arbitrate which provides for arbitration in this state, constitutes a consent to exercise in personam jurisdiction by the courts of this state, etc.

Effective Date: July 1, 2013  
01/07/13 SENATE Filed  
01/11/13 SENATE Referred to Commerce and Tourism; Judiciary; Rules  
01/28/13 SENATE On Committee agenda - Commerce and Tourism, 02/05/13, 9:00 am, 110 S  
02/05/13 SENATE Favorable by Commerce and Tourism; 11 Yeas, 0 Nays  
02/06/13 SENATE Now in Judiciary  
03/13/13 SENATE On Committee agenda - Judiciary, 03/18/13, 3:30 pm, 110 S  
03/18/13 SENATE Favorable with CS by Judiciary; 9 Yeas, 0 Nays  
03/20/13 SENATE Committee Substitute Text (C1) Filed  
SENATE Now in Rules  
[Click here](#) for more information

### **HB 0775 - Relating to Jurisdiction of the Courts**

by Santiago 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; revises circumstances under which parties to contract, agreement, or undertaking may agree that law of this state governs contract, agreement, or undertaking; revises application dates of specified provisions.

Effective Date: July 1, 2013  
02/13/13 HOUSE Filed  
02/28/13 HOUSE Referred to Civil Justice Subcommittee; Judiciary Committee  
HOUSE Now in Civil Justice Subcommittee  
03/11/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/13/13, 12:00 pm, 404 H - PCS  
03/13/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 13 Yeas, 0 Nays  
03/15/13 HOUSE Committee Substitute Text (C1) Filed  
03/18/13 HOUSE Now in Judiciary Committee  
[Click here](#) for more information

.....

### **SB 0292 - Relating to Deceptive and Unfair Trade Practices**

by Richter CoSponsors: Bean, Brandes, Flores, Grimsley CS Sponsors: 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 that a dealer and its employees, agents, principals, sureties, and insurers are not required to pay attorney fees in certain circumstances; providing that payment or offer of payment of the damages does not constitute an admission of wrongdoing or liability, is protected from introduction as evidence in a civil litigation, and releases the dealer from any claim, suit, and action, etc.

Effective Date: July 1, 2013

01/15/13 SENATE Filed

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

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

02/19/13 SENATE Favorable with CS by Commerce and Tourism; 7 Yeas, 4 Nays

02/20/13 SENATE Committee Substitute Text (C1) Filed

SENATE Now in Judiciary

[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 against such dealer under Florida Deceptive & Unfair Trade Practices Act; provides for tolling of applicable time limitations for initiating actions; provides additional opportunity for claimants to comply with specified provisions; provides condition that constitutes waiver of notice; requires that specified notice be provided to consumers.

Effective Date: July 1, 2013

12/19/12 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

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

01/24/13 HOUSE Favorable by Civil Justice Subcommittee; 11 Yeas, 1 Nay

HOUSE Now in Business & Professional Regulation Subcommittee

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

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

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

02/12/13 HOUSE Now in Judiciary Committee

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

02/21/13 HOUSE Favorable with CS by Judiciary Committee; 11 Yeas, 2 Nays

02/27/13 HOUSE Committee Substitute Text (C2) Filed

03/01/13 HOUSE Placed on Calendar, on 2nd reading

03/08/13 HOUSE Placed on Special Order Calendar for 03/12/13

03/12/13 HOUSE Read Second Time; Amendments Adopted (67233, 241765, 404113, 665871); Amendment Withdrawn (930765)

HOUSE Engrossed Text (E1) Filed

03/13/13 HOUSE Read Third Time; Passed (Vote: 83 Yeas / 29 Nays)

03/21/13 SENATE In Messages

03/22/13 SENATE Referred to Commerce and Tourism; Judiciary

[Click here](#) for more information

.....

### **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

[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

HOUSE Now in Government Operations Subcommittee

[Click here](#) for more information

.....

## **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

[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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information



.....

## **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

[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

HOUSE Now in Criminal Justice Subcommittee

[Click here](#) for more information

.....

## **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

[Click here](#) for more information

## **HB 0525 - Relating to Joint Use of Public School Facilities**

by Raburn CoSponsors: Adkins, Berman, Cummings, Diaz (M), Grant, Raschein, Rodrigues (R)

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

Effective Date: July 1, 2013

01/24/13 HOUSE Filed

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

HOUSE Now in Choice & Innovation Subcommittee

03/08/13 HOUSE On Committee agenda - Choice & Innovation Subcommittee,  
03/12/13, 1:00 pm, 306 H

03/12/13 HOUSE Favorable by Choice & Innovation Subcommittee; 13 Yeas, 0 Nays  
HOUSE Now in Civil Justice Subcommittee

03/14/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/18/13, 2:00 pm, 404 H  
03/18/13 HOUSE Favorable by Civil Justice Subcommittee; 12 Yeas, 0 Nays  
HOUSE Now in Education Committee  
03/20/13 HOUSE On Committee agenda - Education Committee, 03/22/13, 8:00 am, 102 H  
03/22/13 HOUSE Favorable by Education Committee; 15 Yeas, 0 Nays  
HOUSE Placed on Calendar, on 2nd reading  
[Click here](#) for more information

.....

### **SB 0530 - Relating to Dispute Resolution**

by Thrasher CS Sponsors: Judiciary

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

Effective Date: July 1, 2013

01/30/13 SENATE Filed

02/06/13 SENATE Referred to Judiciary; Rules

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

02/19/13 SENATE Favorable with CS by Judiciary; 9 Yeas, 0 Nays

02/20/13 SENATE Committee Substitute (C1) Text Filed

02/21/13 SENATE Now in Rules

03/18/13 SENATE On Committee agenda - Rules, 03/21/13, 8:00 am, 110 S

03/21/13 SENATE Favorable by Rules; 14 Yeas, 0 Nays

SENATE Placed on Calendar, on 2nd reading

SENATE Placed on Special Order Calendar, 03/27/13

[Click here](#) for more information

### **HB 0693 - Relating to Dispute Resolution**

by Moraitis CS Sponsors: 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

02/20/13 HOUSE Referred to Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

03/11/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/13/13, 12:00 pm, 404 H - PCS

03/13/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 12 Yeas, 0 Nays

03/15/13 HOUSE Committee Substitute Text (C1) Filed

03/18/13 HOUSE Now in Justice Appropriations Subcommittee

[Click here](#) for more information

.....

### **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; requiring that the clerk provide access to public records without charge to certain persons, subject to a limitation and an exception; specifying the bid process for tax deed sales at public auction; providing a procedure for the disbursement of proceeds from a tax deed sale if delinquent or current taxes are due, etc.

Effective Date: July 1, 2013  
01/31/13 SENATE Filed  
02/06/13 SENATE Referred to Judiciary; Governmental Oversight and Accountability;  
Appropriations Subcommittee on Finance and Tax; Appropriations  
03/01/13 SENATE On Committee agenda - Judiciary, 03/06/13, 2:00 pm, 110 S  
03/06/13 SENATE Favorable with CS by Judiciary; 9 Yeas, 0 Nays  
03/08/13 SENATE Committee Substitute Text (C1) Filed  
03/11/13 SENATE Now in Governmental Oversight and Accountability  
03/18/13 SENATE On Committee agenda - Governmental Oversight and  
Accountability, 03/21/13, 10:00 am, 412 K  
03/21/13 SENATE Favorable with CS by Governmental Oversight and Accountability;  
9 Yeas, 0 Nays  
03/22/13 SENATE Committee Substitute Text (C2) Filed  
[Click here](#) for more information

### **HB 0643 - Relating to Clerks of Court**

by Pilon CoSponsors: Hutson CS Sponsors: 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 an electronic format; clarifies when office title "Clerk of Circuit Court &  
Comptroller" may be used; requires that certain requests for maintenance of public  
record exemption specify certain information; requires that property appraiser, rather  
than clerk, provide property record card to petitioner; revises provisions related to tax  
sales; provides that state is not required to pay fees to enforce judgment for costs &  
fines.

Effective Date: July 1, 2013  
02/06/13 HOUSE Filed  
02/12/13 HOUSE Referred to Civil Justice Subcommittee; Justice Appropriations  
Subcommittee; Judiciary Committee  
HOUSE Now in Civil Justice Subcommittee  
03/04/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/06/13,  
8:00 am, 404 H  
03/06/13 HOUSE Temporarily Deferred by Civil Justice Subcommittee  
03/11/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/13/13,  
12:00 pm, 404 H - PCS  
03/13/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 13 Yeas, 0 Nays  
03/15/13 HOUSE Committee Substitute Text (C1) Filed  
03/18/13 HOUSE Now in Justice Appropriations Subcommittee  
[Click here](#) for more information

.....

### **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  
[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

HOUSE Now in Civil Justice Subcommittee  
[Click here](#) for more information

.....  
**SB 0668 - Relating to Constitutional Amendments**

by Bullard

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

Effective Date: July 1, 2013

02/07/13 SENATE Filed

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

[Click here](#) for more information

**HB 0397 - Relating to Constitutional Amendments**

by Stafford

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

Effective Date: July 1, 2013

01/22/13 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....  
**SB 0746 - Relating to Terms of Courts**

by Stargel

General Terms of Courts; Repealing provisions relating to regular terms of the Supreme Court; repealing provisions relating to requiring a judge to attend the first day of each term of the circuit court; repealing provisions relating to a requirement for a judge to state a reason for nonattendance; allowing the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts; authorizing appellate courts to withdraw a mandate within 120 days after its issuance, etc.

Effective Date: January 1, 2014

02/08/13 SENATE Filed

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

03/01/13 SENATE On Committee agenda - Judiciary, 03/06/13, 2:00 pm, 110 S

03/06/13 SENATE Favorable by Judiciary; 8 Yeas, 0 Nays

03/07/13 SENATE Now in Appropriations Subcommittee on Criminal and Civil Justice

03/08/13 SENATE On Committee agenda - Appropriations Subcommittee on Criminal and Civil Justice, 03/13/13, 9:00 am, 37 S

03/13/13 SENATE Favorable by Appropriations Subcommittee on Criminal and Civil Justice; 12 Yeas, 0 Nays

SENATE Now in Appropriations

03/18/13 SENATE On Committee agenda - Appropriations, 03/21/13, 2:00 pm, 412 K

03/21/13 SENATE Placed on Special Order Calendar, 03/27/13

SENATE Favorable by Appropriations; 15 Yeas, 0 Nays

03/22/13 SENATE Placed on Calendar, on 2nd reading

[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)

02/28/13 HOUSE Referred to Judiciary Committee

HOUSE Now in Judiciary Committee

03/05/13 HOUSE On Committee agenda - Judiciary Committee, 03/07/13, 10:00 am, 404 H

03/07/13 HOUSE Favorable by Judiciary Committee; 17 Yeas, 0 Nays

HOUSE Placed on Calendar, on 2nd reading

03/19/13 HOUSE Placed on Special Order Calendar for 03/21/13

03/21/13 HOUSE Read Second Time

03/22/13 HOUSE Read Third Time; Passed (Vote: 116 Yeas / 0 Nays)

[Click here](#) for more information

.....

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

by Hays CS Sponsors: Health Policy

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

Effective Date: July 1, 2013

02/20/13 SENATE Filed

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

03/11/13 SENATE On Committee agenda - Health Policy, 03/14/13, 8:00 am, 412 K

03/14/13 SENATE Favorable with CS by Health Policy; 8 Yeas, 1 Nay

03/15/13 SENATE Committee Substitute Text (C1) Filed

03/18/13 SENATE References to Appropriations Subcommittee on Health and Human Services; Appropriations removed; Reference to Rules added; Remaining references Judiciary, Rules

SENATE Now in Judiciary

[Click here](#) for more information

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

by Magar, Spano CoSponsors: Campbell 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  
HOUSE Now in Health Quality Subcommittee  
03/15/13 HOUSE On Committee agenda - Health Quality Subcommittee, 03/19/13, 9:00 am, 306 H  
03/19/13 HOUSE Favorable with CS by Health Quality Subcommittee; 11 Yeas, 0 Nays  
03/20/13 HOUSE Committee Substitute Text (C1) Filed  
03/21/13 HOUSE Now in Appropriations Committee  
[Click here](#) for more information

.....

### **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

[Click here](#) for more information

### **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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....

### **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

[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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....

## **SB 1216 - Relating to Wage Theft**

by Bradley

General Wage Theft; Providing circumstances under which an employer commits wage theft; providing that a claim is governed by the Florida Small Claims Rules; requiring the claimant to prove wage theft by a preponderance of the evidence; authorizing the Attorney General to seek injunctive relief against an employer accused of wage theft; authorizing a county, municipality, or political subdivision to establish an administrative process to facilitate the collection of money owed to an employee, 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

03/06/13 SENATE On Committee agenda - Criminal Justice, 03/11/13, 3:30 pm, 37 S

03/11/13 SENATE Not Considered by Criminal Justice

03/13/13 SENATE On Committee agenda - Criminal Justice, 03/18/13, 1:00 pm, 37 S

03/18/13 SENATE Temporarily Postponed by Criminal Justice

[Click here](#) for more information

.....

## **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

[Click here](#) for more information

## **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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....

### **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

[Click here](#) for more information

.....

### **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

[Click here](#) for more information

.....

### **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

[Click here](#) for more information

### **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 if balance to provider is outstanding; requires medical or health care services to be medically necessary in order to be recoverable; provides that lack of medical necessity is affirmative defense in action for nonpayment; specifies that certain evidence shall be considered in determining amounts customarily accepted; provides for reduction of awards under specified provisions.

Effective Date: upon becoming a law

02/01/13 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

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

02/20/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 8 Yeas, 4 Nays

02/27/13 HOUSE Committee Substitute Text (C1) Filed

02/28/13 HOUSE Reference to Health Innovation Subcommittee removed; Remaining reference: Judiciary Committee

HOUSE Now in Judiciary Committee

[Click here](#) for more information

.....

### **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

[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

HOUSE Now in Civil Justice Subcommittee

HOUSE Reference to Government Operations Subcommittee removed; Reference to Justice Appropriations Subcommittee added; Remaining references: Civil Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....

## **HB 0087 - Relating to Mortgage Foreclosures**

by Passidomo CoSponsors: Caldwell, Cummings, Moraitis, Rodrigues (R)

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

Effective Date: upon becoming a law

01/03/13 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

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

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

HOUSE Now in Justice Appropriations Subcommittee

03/04/13 HOUSE On Committee agenda - Justice Appropriations Subcommittee, 03/06/13, 1:30 pm, 17 H

03/06/13 HOUSE Favorable by Justice Appropriations Subcommittee; 9 Yeas, 2 Nays

HOUSE Now in Judiciary Committee

03/12/13 HOUSE On Committee agenda - Judiciary Committee, 03/14/13, 9:00 am, 404 H

HOUSE Removed from Meeting Agenda of Judiciary Committee, 03/14/13, 9:00 am, 404 H

[Click here](#) for more information

.....

## **HB 0371 - Relating to Homestead Foreclosure Relief**

by Saunders

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

Effective Date: July 1, 2013

01/21/13 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....

## **HB 0935 - Relating to Florida False Claims Act**

by Young CS Sponsors: 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

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

HOUSE Now in Civil Justice Subcommittee

03/11/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/13/13, 12:00 pm, 404 H

03/13/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 13 Yeas, 0 Nays

03/15/13 HOUSE Committee Substitute Text (C1) Filed

03/18/13 HOUSE Now in Justice Appropriations Subcommittee

[Click here](#) for more information

.....

### **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

.....

### **HB 0943 - Relating to Public Records Exemption**

by Schwartz

General Public Records Exemption: Creates exemption from public records requirements for records relating to settlement of claim on behalf of minor or ward; authorizes guardian ad litem, ward, minor, & minor's attorney to inspect guardianship reports & court records relating to settlement of claim on behalf of minor or ward, upon showing of good cause; authorizes court to direct disclosure & recording of amendment to report or court records relating to settlement of claim on behalf of ward or minor, in connection with real property or for other purposes; provides for future review & repeal; provides statement of public necessity; providing for contingent effect.

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

02/20/13 HOUSE Filed

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

HOUSE Now in Civil Justice Subcommittee

03/11/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/13/13, 12:00 pm, 404 H

03/13/13 HOUSE Favorable by Civil Justice Subcommittee; 13 Yeas, 0 Nays

HOUSE Now in Government Operations Subcommittee

[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

03/06/13 HOUSE Referred to Government Operations Subcommittee; State Affairs Committee

HOUSE Now in Government Operations Subcommittee

03/14/13 HOUSE On Committee agenda - Government Operations Subcommittee, 03/18/13, 4:00 pm, 212 K

03/18/13 HOUSE Favorable with CS by Government Operations Subcommittee; 13 Yeas, 0 Nays

03/20/13 HOUSE Committee Substitute Text (C1) Filed

03/21/13 HOUSE Now in State Affairs Committee

[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

HOUSE Now in Civil Justice Subcommittee

03/14/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/18/13, 2:00 pm, 404 H

03/18/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 12 Yeas, 0 Nays

03/19/13 HOUSE Committee Substitute Text (C1) Filed

03/20/13 HOUSE Now in Appropriations Committee

[Click here](#) for more information

.....

## **HB 1125 - Relating to Employers and Employees**

by Goodson CS Sponsors: 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

HOUSE Now in Civil Justice Subcommittee

03/11/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/13/13, 12:00 pm, 404 H

03/13/13 HOUSE Favorable with CS by Civil Justice Subcommittee; 11 Yeas, 2 Nays

03/15/13 HOUSE Committee Substitute Text (C1) Filed

03/18/13 HOUSE Now in Local and Federal Affairs Committee

[Click here](#) for more information

.....

### **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

HOUSE Now in Insurance & Banking Subcommittee

[Click here](#) for more information

.....

### **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

HOUSE Now in Civil Justice Subcommittee

03/14/13 HOUSE On Committee agenda - Civil Justice Subcommittee, 03/18/13, 2:00 pm, 404 H

03/18/13 HOUSE Favorable by Civil Justice Subcommittee; 10 Yeas, 2 Nays

HOUSE Now in Justice Appropriations Subcommittee

[Click here](#) for more information

.....

### **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

HOUSE Now in Civil Justice Subcommittee

[Click here](#) for more information

.....

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

Bob Harris, Esq.

Office: 850-222-0720

Cell: 850-566-0408

[bharris@lawfla.com](mailto:bharris@lawfla.com)

Brittney Burch

Office: 850-222-0720

Cell: 850-545-1938

[bburch@lawfla.com](mailto:bburch@lawfla.com)