

By the Committee on Judiciary; and Senator Villalobos

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1 A bill to be entitled

2 An act relating to statutory references to court rules;
3 amending s. 27.51, F.S.; removing reference to a specific
4 court rule relating to duties of the public defender;
5 providing duties of the public defender to notify an
6 accused of certain rights; amending s. 34.01, F.S.;
7 removing reference to court rules relating to the
8 jurisdiction of county courts; amending s. 34.011, F.S.;
9 removing specific reference to court rules relating to
10 jurisdiction in landlord and tenant cases; amending s.
11 39.01, F.S.; removing a reference to court rules relating
12 to definitions of a child who is found to be dependent;
13 redefining the term "child who is found to be dependent";
14 amending s. 39.4086, F.S.; deleting a provision requesting
15 that the Supreme Court adopt court rules by a certain date
16 relating to a pilot program for attorneys ad litem for
17 dependent children; amending s. 39.504, F.S.; removing a
18 reference to court rules relating to an injunction pending
19 disposition of a petition; amending s. 39.507, F.S.;
20 removing references to court rules relating to
21 adjudicatory hearings; amending s. 39.603, F.S.; removing
22 references to court rules relating to court approvals of
23 case planning; amending s. 39.701, F.S.; removing specific
24 reference to court rules relating to judicial review;
25 amending s. 39.801, F.S.; removing a requirement that
26 notice of hearings be prescribed by court rules relating
27 to procedures and jurisdiction in termination of parental
28 rights; amending s. 39.802, F.S.; removing references to
29 court rules relating to a petition for termination of

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30 parental rights; amending s. 39.807, F.S.; removing a
31 reference to court rules relating to guardians ad litem;
32 amending s. 39.824, F.S.; removing obsolete provisions
33 requesting the Supreme Court to adopt rules relating to
34 procedure and jurisdiction; amending s. 39.825, F.S.;
35 removing a reference to court rules relating to a petition
36 for appointment of a guardian advocate; amending s. 48.27,
37 F.S.; removing specific reference to a court rule
38 regarding certified process servers; amending s. 55.503,
39 F.S.; removing a reference to court rules relating to the
40 recording of foreign judgments; amending s. 56.29, F.S.;
41 removing a reference to service of summons in court rules
42 relating to supplementary proceedings; amending s.
43 61.1301, F.S.; removing a reference to court rules
44 relating to enforcement of income deduction orders;
45 amending s. 61.14, F.S.; removing specific reference to a
46 court rule relating to enforcement and modification of
47 support, maintenance, or alimony agreements; amending s.
48 61.16, F.S.; removing specific reference to a court rule
49 relating to attorney's fees; amending s. 63.087, F.S.;
50 removing specific reference to court rules relating to
51 proceedings for termination of parental rights pending
52 adoption; amending s. 63.122, F.S.; removing a reference
53 to the court rule relating to the notice of hearing on a
54 petition; amending s. 68.083, F.S.; removing reference to
55 the court rules relating to civil actions for false
56 claims; amending s. 83.231, F.S.; removing a reference to
57 court rules relating to the removal of a tenant; amending
58 s. 83.625, F.S.; removing a reference to court rules

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59 relating to the power to enter money judgments in an
60 action by a landlord; amending s. 222.30, F.S.; removing a
61 reference to court rules relating to fraudulent asset
62 conversions; amending s. 255.071, F.S.; removing a
63 reference to court rules relating to payment of
64 subcontractors for public projects; amending ss. 316.1934
65 and 327.354, F.S.; removing references to court rules
66 relating to presumption of impairment; amending s.
67 364.183, F.S.; removing reference to a specific court rule
68 relating to access to company records; amending s.
69 366.093, F.S.; removing reference to a specific court rule
70 relating to public utility records; amending s. 367.156,
71 F.S.; removing reference to a specific court rule relating
72 to discovery in public utility records; amending s.
73 368.108, F.S.; removing reference to a specific court rule
74 relating to confidentiality; amending s. 392.60, F.S.;
75 removing a reference to court rules relating to the right
76 of appeal; amending s. 393.11, F.S.; removing a reference
77 to court rules regarding the appeal of involuntary
78 admission to residential services; amending s. 393.12,
79 F.S.; removing references to court rules regarding
80 capacity and a guardian advocate; amending s. 400.0233,
81 F.S.; providing a reference to a specific chapter of court
82 rules relating to informal discovery and used to obtain
83 unsworn statements; revising provisions relating to
84 informal discovery used to obtain unsworn statements;
85 amending s. 409.2563, F.S.; removing a reference to court
86 rule relating to the administrative establishment of child
87 support obligations; amending s. 409.257, F.S.; removing a

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88 reference to court rules regarding service of process;
89 amending s. 415.1045, F.S.; removing specific reference to
90 a court rule relating to medical examinations; amending s.
91 415.1051, F.S.; removing specific reference to a court
92 rule relating to emergency protective services
93 intervention; amending s. 429.293, F.S.; providing a
94 reference to a specific chapter of court rules relating to
95 informal discovery; revising provisions relating to
96 informal discovery used to obtain unsworn statements;
97 amending s. 440.31, F.S.; removing specific reference to a
98 court rule relating to the definition of expert witnesses;
99 defining the term "expert witness"; amending s. 447.507,
100 F.S.; removing reference to court rules relating to
101 violation of a strike prohibition; amending s. 448.110,
102 F.S.; removing reference to a specific court rule relating
103 to state minimum wage and annual wage adjustment; amending
104 s. 456.057, F.S.; removing reference to a specific court
105 rule relating to the furnishing of patient records;
106 amending s. 518.112, F.S.; removing a reference to court
107 rules relating to delegation of investment functions;
108 amending s. 552.40, F.S.; removing specific reference to a
109 court rule relating to an administrative remedy for
110 alleged damage due to the use of explosives in mining;
111 amending ss. 607.0505 and 617.0503, F.S.; removing
112 reference to court rules relating to registered agents of
113 corporations; amending s. 713.346, F.S.; removing a
114 reference to bond requirements in court rules relating to
115 payment on construction contracts; amending s. 718.1255,
116 F.S.; removing a reference to court rules relating to

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117 mandatory nonbinding arbitration and mediation of
118 disputes; providing a reference to a specific chapter of
119 court rules relating to mandatory nonbinding arbitration
120 and mediation of disputes; amending s. 720.311, F.S.;
121 removing a reference to court rules relating to dispute
122 resolution; providing reference to a specific chapter of
123 court rules relating to dispute resolution; amending s.
124 723.0381, F.S.; removing a reference to court rules
125 relating to civil arbitration actions; amending s.
126 726.108, F.S.; removing a reference to court rules
127 relating to remedies of creditors; amending s. 727.104,
128 F.S.; removing a reference to court rules relating to
129 commencement of proceedings; amending s. 731.011, F.S.;
130 removing a reference to court rules relating to
131 determination and procedure of substantive rights;
132 amending s. 732.107, F.S.; removing a reference to court
133 rules relating to escheat; amending s. 733.101, F.S.;
134 removing a reference to court rules relating to venue of
135 probate proceedings; amending s. 733.212, F.S.; removing a
136 reference to court rules relating to notice of
137 administration; amending s. 733.6171, F.S.; removing a
138 reference to court rules relating to compensation of
139 attorneys for the personal representative; amending s.
140 733.705, F.S.; removing a reference to court rules
141 relating to the payment of and objection to claims;
142 amending s. 734.102, F.S.; removing a reference to court
143 rules relating to ancillary administration; amending s.
144 736.0109, F.S.; removing a reference to court rules
145 relating to methods and waiver of notice; amending s.

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146 738.104, F.S.; removing a reference to court rules
147 relating to a trustee's power to adjust; providing for
148 delivering or mailing a copy of the statement to the
149 beneficiary relating to a trustee's power to adjust;
150 amending s. 738.1041, F.S.; removing a reference to court
151 rules relating to a total return unitrust; providing for
152 delivering or mailing a copy of the statement to the
153 beneficiary relating to total return unitrust; amending s.
154 741.30, F.S.; removing a reference to court rules relating
155 to injunctions for domestic violence; amending s. 742.16,
156 F.S.; removing a reference to court rules relating to
157 expedited affirmation of parent status for gestational
158 surrogacy; amending s. 742.18, F.S.; removing specific
159 reference to a court rule relating to disestablishment of
160 paternity or termination of a child support obligation;
161 amending s. 744.3025, F.S.; removing a reference to court
162 rules relating to claims of minors; amending s. 744.307,
163 F.S.; removing a reference to court rules relating to
164 foreign guardians; amending s. 744.447, F.S.; removing a
165 reference to court rules relating to a petition for
166 authorization to act; amending s. 765.105, F.S.; removing
167 specific reference to a court rule relating to the review
168 of a decision by a surrogate or proxy; amending s.
169 765.113, F.S.; removing specific reference to a court rule
170 relating to restrictions on providing consent; amending s.
171 768.81, F.S.; removing a reference to court rules relating
172 to apportionment of damages in comparative fault; amending
173 s. 784.046, F.S.; removing a reference to court rules
174 relating to repeat violence, sexual violence, or dating

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175 violence; amending s. 790.157, F.S.; removing a reference
176 to trial by jury in court rules relating to the
177 presumption of impairment; amending s. 896.101, F.S.;
178 removing a reference to court rules relating to the
179 Florida Money Laundering Act; amending s. 916.13, F.S.;
180 removing a reference to court rules relating to
181 involuntary commitment of a defendant who is adjudicated
182 incompetent; amending s. 916.15, F.S.; removing a
183 reference to court rules relating to involuntary
184 commitment of a defendant who is adjudicated not guilty by
185 reason of insanity; amending s. 916.302, F.S.; removing a
186 reference to court rules relating to involuntary
187 commitment of a defendant who is determined incompetent to
188 proceed; amending s. 924.07, F.S.; removing a reference to
189 court rules relating to appeals by the state; amending s.
190 932.704, F.S.; removing a reference to court rules
191 relating to forfeiture proceedings; amending s. 984.03,
192 F.S.; removing a reference to court rules relating to the
193 definition of a dependent child; redefining the term
194 "dependent child"; amending s. 984.04, F.S.; removing a
195 reference to court rules relating to families and children
196 in need of services; amending s. 984.19, F.S.; removing a
197 reference to court rules relating to medical screening and
198 treatment regarding custody; amending s. 984.20, F.S.;
199 removing references to court rules relating to hearings
200 for child-in-need-of-services cases; amending s. 985.19,
201 F.S.; removing references to court rules relating to
202 incompetency in juvenile delinquency cases; amending s.
203 985.255, F.S.; removing a reference to court rules

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204 relating to detention criteria and hearings; amending s.
205 985.26, F.S.; removing a reference to court rules relating
206 to length of detention; amending s. 985.35, F.S.; removing
207 a reference to court rules relating to adjudicatory
208 hearings; amending s. 985.534, F.S.; removing a reference
209 to court rules relating to appeals; providing an effective
210 date.

211

212 Be It Enacted by the Legislature of the State of Florida:

213

214 Section 1. Paragraph (a) of subsection (5) of section
215 27.51, Florida Statutes, are amended to read:

216 27.51 Duties of public defender.--

217 (5) (a) When direct appellate proceedings prosecuted by a
218 public defender on behalf of an accused and challenging a
219 judgment of conviction and sentence of death terminate in an
220 affirmance of such conviction and sentence, whether by the
221 Florida Supreme Court or by the United States Supreme Court or by
222 expiration of any deadline for filing such appeal in a state or
223 federal court, the public defender shall notify the accused of
224 his or her rights to file a motion to vacate, set aside, or
225 correct sentence pursuant to court rule 3.850, Florida Rules of
226 Criminal Procedure, including any time limits pertinent thereto,
227 and shall advise such person that representation in any
228 collateral proceedings is the responsibility of the capital
229 collateral regional counsel. The public defender shall then
230 forward all original files on the matter to the capital
231 collateral regional counsel, retaining such copies for his or her
232 files as may be desired. However, the trial court shall retain

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233 the power to appoint the public defender or other attorney not
234 employed by the capital collateral regional counsel to represent
235 such person in proceedings for relief by executive clemency
236 pursuant to ss. 27.40 and 27.5303.

237 Section 2. Subsection (2) of section 34.01, Florida
238 Statutes, is amended to read:

239 34.01 Jurisdiction of county court.--

240 (2) The county courts shall have jurisdiction previously
241 exercised by county judges' courts other than that vested in the
242 circuit court by s. 26.012, except that county court judges may
243 hear matters involving ~~dissolution of marriage under the~~
244 ~~simplified dissolution procedure pursuant to the Florida Family~~
245 ~~Law Rules of Procedure~~ or may issue a final order for dissolution
246 in cases where the matter is uncontested, and the jurisdiction
247 previously exercised by county courts, the claims court, small
248 claims courts, small claims magistrates courts, magistrates
249 courts, justice of the peace courts, municipal courts, and courts
250 of chartered counties, including but not limited to the counties
251 referred to in ss. 9, 10, 11, and 24, Art. VIII of the State
252 Constitution of 1885, as preserved by s. (6)(e), Art. VIII of the
253 State Constitution of 1968.

254 Section 3. Subsection (2) of section 34.011, Florida
255 Statutes, is amended to read:

256 34.011 Jurisdiction in landlord and tenant cases.--

257 (2) The county court shall have exclusive jurisdiction of
258 proceedings relating to the right of possession of real property
259 and to the forcible or unlawful detention of lands and tenements,
260 except that the circuit court also has jurisdiction if the amount
261 in controversy exceeds the jurisdictional limits of the county

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262 court or the circuit court otherwise has jurisdiction as provided
263 in s. 26.012. In cases transferred to the circuit court ~~pursuant~~
264 ~~to Rule 1.170(j), Florida Rules of Civil Procedure, or Rule~~
265 ~~7.100(d), Florida Small Claims Rules,~~ the demands of all parties
266 shall be resolved by the circuit court.

267 Section 4. Subsection (14) of section 39.01, Florida
268 Statutes, is amended to read:

269 39.01 Definitions.--When used in this chapter, unless the
270 context otherwise requires:

271 (14) "Child who is found to be dependent" means a child
272 who, pursuant to this chapter, is found by the court:

273 (a) To have been abandoned, abused, or neglected by the
274 child's parent or parents or legal custodians;

275 (b) To have been surrendered to the department, the former
276 Department of Health and Rehabilitative Services, or a licensed
277 child-placing agency for purpose of adoption;

278 (c) To have been voluntarily placed with a licensed child-
279 caring agency, a licensed child-placing agency, an adult
280 relative, the department, or the former Department of Health and
281 Rehabilitative Services, after which placement, under the
282 requirements of this chapter, a case plan has expired and the
283 parent or parents or legal custodians have failed to
284 substantially comply with the requirements of the plan;

285 (d) To have been voluntarily placed with a licensed child-
286 placing agency for the purposes of subsequent adoption, and a
287 parent or parents have signed a consent to termination of
288 parental rights ~~pursuant to the Florida Rules of Juvenile~~
289 ~~Procedure;~~

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290 (e) To have no parent or legal custodians capable of
291 providing supervision and care; or

292 (f) To be at substantial risk of imminent abuse,
293 abandonment, or neglect by the parent or parents or legal
294 custodians.

295 Section 5. Subsection (3) of section 39.4086, Florida
296 Statutes, is amended to read:

297 39.4086 Pilot program for attorneys ad litem for dependent
298 children.--

299 ~~(3) STANDARDS.--The Supreme Court is requested, by October~~
300 ~~1, 2000, to adopt rules of juvenile procedure which include the~~
301 ~~duties, responsibilities, and conduct of an attorney ad litem.~~
302 ~~The Office of the State Courts Administrator, in consultation~~
303 ~~with the Dependency Court Improvement Committee of the Supreme~~
304 ~~Court, shall develop implementation guidelines for the attorney~~
305 ~~ad litem pilot program.~~

306 Section 6. Subsection (2) of section 39.504, Florida
307 Statutes, is amended to read:

308 39.504 Injunction pending disposition of petition;
309 penalty.--

310 (2) Notice shall be provided to the parties as required by
311 court rule ~~set forth in the Florida Rules of Juvenile Procedure,~~
312 unless the child is reported to be in imminent danger, in which
313 case the court may issue an injunction immediately. A judge may
314 issue an emergency injunction pursuant to this section without
315 notice at times when the court is closed for the transaction of
316 judicial business. When such an immediate injunction is issued,
317 the court shall hold a hearing on the next day of judicial
318 business either to dissolve the injunction or to continue or

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319 | modify it in accordance with the other provisions of this
320 | section.

321 | Section 7. Paragraph (a) of subsection (1) and subsection
322 | (2) of section 39.507, Florida Statutes, are amended to read:

323 | 39.507 Adjudicatory hearings; orders of adjudication.--

324 | (1) (a) The adjudicatory hearing shall be held as soon as
325 | practicable after the petition for dependency is filed and in
326 | accordance with court rule ~~the Florida Rules of Juvenile~~
327 | ~~Procedure~~, but no later than 30 days after the arraignment.

328 | (2) All hearings, except as provided in this section, shall
329 | be open to the public, and a person may not be excluded except on
330 | special order of the judge, who may close any hearing to the
331 | public upon determining that the public interest or the welfare
332 | of the child is best served by so doing. The parents or legal
333 | custodians shall be allowed to obtain discovery pursuant to court
334 | rule ~~the Florida Rules of Juvenile Procedure~~, provided such
335 | discovery does not violate the provisions of s. 39.202. Hearings
336 | involving more than one child may be held simultaneously when the
337 | children involved are related to each other or were involved in
338 | the same case. The child and the parents, caregivers, or legal
339 | custodians of the child may be examined separately and apart from
340 | each other.

341 | Section 8. Paragraphs (a) and (d) of subsection (1) of
342 | section 39.603, Florida Statutes, are amended to read:

343 | 39.603 Court approvals of case planning.--

344 | (1) All case plans and amendments to case plans must be
345 | approved by the court. At the hearing on the case plan, which
346 | shall occur in conjunction with the disposition hearing unless
347 | otherwise directed by the court, the court shall determine:

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348 (a) All parties who were notified and are in attendance at
349 the hearing, either in person or through a legal representative.
350 The court may appoint a guardian ad litem ~~under Rule 1.210,~~
351 ~~Florida Rules of Civil Procedure,~~ to represent the interests of
352 any parent, if the location of the parent is known but the parent
353 is not present at the hearing and the development of the plan is
354 based upon the physical, emotional, or mental condition or
355 physical location of the parent.

356 (d) In involuntary placements, whether each parent was
357 notified of the right to counsel at each stage of the dependency
358 proceedings, ~~in accordance with the Florida Rules of Juvenile~~
359 ~~Procedure.~~

360 Section 9. Paragraphs (b) and (c) of subsection (2) of
361 section 39.701, Florida Statutes, are amended to read:

362 39.701 Judicial review.--

363 (2)

364 (b) Citizen review panels may conduct hearings to review
365 the status of a child. The court shall select the cases
366 appropriate for referral to the citizen review panels and may
367 order the attendance of the parties at the review panel hearings.
368 However, any party may object to the referral of a case to a
369 citizen review panel. Whenever such an objection has been filed
370 with the court, the court shall review the substance of the
371 objection and may conduct the review itself or refer the review
372 to a citizen review panel. All parties retain the right to take
373 exception to the findings or recommended orders of a citizen
374 review panel ~~in accordance with Rule 1.490(h), Florida Rules of~~
375 ~~Civil Procedure.~~

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376 (c) Notice of a hearing by a citizen review panel must be
377 provided as set forth in subsection (5). At the conclusion of a
378 citizen review panel hearing, each party may propose a
379 recommended order to the chairperson of the panel. Thereafter,
380 the citizen review panel shall submit its report, copies of the
381 proposed recommended orders, and a copy of the panel's
382 recommended order to the court. The citizen review panel's
383 recommended order must be limited to the dispositional options
384 available to the court in subsection (9). Each party may file
385 exceptions to the report and recommended order of the citizen
386 review panel ~~in accordance with Rule 1.490, Florida Rules of~~
387 ~~Civil Procedure.~~

388 Section 10. Paragraphs (b), (c), and (d) of subsection (3)
389 of section 39.801, Florida Statutes, are amended to read:

390 39.801 Procedures and jurisdiction; notice; service of
391 process.--

392 (3) Before the court may terminate parental rights, in
393 addition to the other requirements set forth in this part, the
394 following requirements must be met:

395 ~~(b) If a party required to be served with notice as~~
396 ~~prescribed in paragraph (a) cannot be served, notice of hearings~~
397 ~~must be given as prescribed by the rules of civil procedure, and~~
398 ~~service of process must be made as specified by law or civil~~
399 ~~actions.~~

400 (b)(e) Notice as prescribed by this section may be waived,
401 in the discretion of the judge, with regard to any person to whom
402 notice must be given under this subsection if the person
403 executes, before two witnesses and a notary public or other
404 officer authorized to take acknowledgments, a written surrender

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405 of the child to a licensed child-placing agency or the
406 department.

407 (c) ~~(d)~~ If the person served with notice under this section
408 fails to personally appear at the advisory hearing, the failure
409 to personally appear shall constitute consent for termination of
410 parental rights by the person given notice. If a parent appears
411 for the advisory hearing and the court orders that parent to
412 personally appear at the adjudicatory hearing for the petition
413 for termination of parental rights, stating the date, time, and
414 location of said hearing, then failure of that parent to
415 personally appear at the adjudicatory hearing shall constitute
416 consent for termination of parental rights.

417 Section 11. Subsection (2) of section 39.802, Florida
418 Statutes, is amended to read:

419 39.802 Petition for termination of parental rights; filing;
420 elements.--

421 ~~(2) The form of the petition is governed by the Florida~~
422 ~~Rules of Juvenile Procedure.~~ The petition must be in writing and
423 signed by the petitioner or, if the department is the petitioner,
424 by an employee of the department, under oath stating the
425 petitioner's good faith in filing the petition.

426 Section 12. Paragraph (d) of subsection (2) of section
427 39.807, Florida Statutes, is amended to read:

428 39.807 Right to counsel; guardian ad litem.--

429 (2)

430 (d) A guardian ad litem is entitled to receive service of
431 pleadings and papers ~~as provided by the Florida Rules of Juvenile~~
432 ~~Procedure.~~

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433 Section 13. Subsection (1) of section 39.824, Florida
434 Statutes, is amended to read:

435 39.824 Procedures and jurisdiction.--

436 (1) ~~The Supreme Court is requested to adopt rules of~~
437 ~~juvenile procedure by October 1, 1989, to implement this part.~~
438 All procedures, including petitions, pleadings, subpoenas,
439 summonses, and hearings in cases for the appointment of a
440 guardian advocate shall be according to the Florida Rules of
441 Juvenile Procedure unless otherwise provided by law.

442 Section 14. Section 39.825, Florida Statutes, is amended to
443 read:

444 39.825 Petition for appointment of a guardian advocate.--A
445 petition for appointment of a guardian advocate may be filed by
446 the department, any relative of the child, any licensed health
447 care professional, or any other interested person. The petition
448 shall be in writing and shall be signed by the petitioner under
449 oath stating his or her good faith in filing the petition. ~~The~~
450 ~~form of the petition and its contents shall be determined by the~~
451 ~~Florida Rules of Juvenile Procedure.~~

452 Section 15. Subsection (3) of section 48.27, Florida
453 Statutes, is amended to read:

454 48.27 Certified process servers.--

455 (3) Nothing herein shall be interpreted to exclude a
456 sheriff or deputy or other person appointed by the sheriff
457 pursuant to s. 48.021 from serving process or to exclude a person
458 from appointment by individual motion and order to serve process
459 in any civil action ~~in accordance with Rule 1.070(b) of the~~
460 ~~Florida Rules of Civil Procedure.~~

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461 Section 16. Subsection (1) of section 55.503, Florida
462 Statutes, is amended to read:

463 55.503 Recording and status of foreign judgments; fees.--

464 (1) A copy of any foreign judgment certified in accordance
465 with the laws of the United States or of this state may be
466 recorded in the office of the clerk of the circuit court of any
467 county. The clerk shall file, record, and index the foreign
468 judgment in the same manner as a judgment of a circuit or county
469 court of this state. A judgment so recorded shall have the same
470 effect and shall be subject to the same rules of ~~civil~~ procedure,
471 legal and equitable defenses, and proceedings for reopening,
472 vacating, or staying judgments, and it may be enforced, released,
473 or satisfied, as a judgment of a circuit or county court of this
474 state.

475 Section 17. Subsection (3) of section 56.29, Florida
476 Statutes, is amended to read:

477 56.29 Proceedings supplementary.--

478 (3) The order shall be served in a reasonable time before
479 the date of the examination in the manner provided for ~~service of~~
480 ~~summons or may be served on such defendant or his or her attorney~~
481 ~~as provided for service of papers~~ in the rules of ~~civil~~
482 procedure.

483 Section 18. Paragraph (b) of subsection (2) of section
484 61.1301, Florida Statutes, is amended to read:

485 61.1301 Income deduction orders.--

486 (2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.--

487 (b)1. Service by or upon any person who is a party to a
488 proceeding under this section shall be made in the manner

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489 prescribed in court rule ~~the Florida Rules of Civil Procedure~~ for
490 service upon parties.

491 2. Service upon an obligor's payor or successor payor under
492 this section shall be made by prepaid certified mail, return
493 receipt requested, or in the manner prescribed in chapter 48.

494 Section 19. Paragraph (a) of subsection (6) of section
495 61.14, Florida Statutes, is amended to read:

496 61.14 Enforcement and modification of support, maintenance,
497 or alimony agreements or orders.--

498 (6)(a)1. When support payments are made through the local
499 depository or through the State Disbursement Unit, any payment or
500 installment of support which becomes due and is unpaid under any
501 support order is delinquent; and this unpaid payment or
502 installment, and all other costs and fees herein provided for,
503 become, after notice to the obligor and the time for response as
504 set forth in this subsection, a final judgment by operation of
505 law, which has the full force, effect, and attributes of a
506 judgment entered by a court in this state for which execution may
507 issue. No deduction shall be made by the local depository from
508 any payment made for costs and fees accrued in the judgment by
509 operation of law process under paragraph (b) until the total
510 amount of support payments due the obligee under the judgment has
511 been paid.

512 2. A certified statement by the local depository evidencing
513 a delinquency in support payments constitute evidence of the
514 final judgment under this paragraph.

515 3. The judgment under this paragraph is a final judgment as
516 to any unpaid payment or installment of support which has accrued
517 up to the time either party files a motion with the court to

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518 | alter or modify the support order, and such judgment may not be
519 | modified by the court. The court may modify such judgment as to
520 | any unpaid payment or installment of support which accrues after
521 | the date of the filing of the motion to alter or modify the
522 | support order. This subparagraph does not prohibit the court from
523 | providing relief from the judgment pursuant to court rule ~~1.540,~~
524 | ~~Florida Rules of Civil Procedure.~~

525 | Section 20. Subsection (2) of section 61.16, Florida
526 | Statutes, is amended to read:

527 | 61.16 Attorney's fees, suit money, and costs.--

528 | (2) In an action for contempt ~~brought pursuant to Rule~~
529 | ~~3.840, Florida Rules of Criminal Procedure,~~ whether denominated
530 | direct or indirect criminal contempt, the court shall have
531 | authority to:

532 | (a) Appoint an attorney to prosecute said contempt.

533 | (b) Assess attorney's fees and costs against the contemtor
534 | after the court makes a determination of the contemtor's ability
535 | to pay such costs and fees.

536 | (c) Order that the amount be paid directly to the attorney,
537 | who may enforce the order in his or her name.

538 | Section 21. Subsections (5) and (6) of section 63.087,
539 | Florida Statutes, are amended to read:

540 | 63.087 Proceeding to terminate parental rights pending
541 | adoption; general provisions.--

542 | (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a
543 | summons to be issued ~~substantially in the form provided in Form~~
544 | ~~1.902, Florida Rules of Civil Procedure.~~ The petition and summons
545 | shall be served upon any person whose consent has been provided
546 | but who has not waived service of the pleadings and notice of the

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547 hearing thereon and also upon any person whose consent is
548 required but who has not provided that consent.

549 (6) ANSWER REQUIRED.--An answer to the petition or any
550 pleading requiring an answer shall be filed ~~in accordance with~~
551 ~~the Florida Rules of Civil Procedure~~. Failure to file a written
552 response or to appear at the hearing on the petition constitutes
553 grounds upon which the court may terminate parental rights. The
554 petitioner shall provide notice of the final hearing by United
555 States mail to any person who has been served with the summons
556 and petition for termination of parental rights within the
557 specified time periods. Notwithstanding the filing of any answer
558 or any pleading, any person present at the hearing to terminate
559 parental rights pending adoption whose consent to adoption is
560 required under s. 63.062 must:

561 (a) Be advised by the court that he or she has a right to
562 ask that the hearing be reset for a later date so that the person
563 may consult with an attorney; and

564 (b) Be given an opportunity to deny the allegations in the
565 petition.

566 Section 22. Subsection (2) of section 63.122, Florida
567 Statutes, is amended to read:

568 63.122 Notice of hearing on petition.--

569 (2) Notice of hearing ~~must be given as prescribed by the~~
570 ~~Florida Rules of Civil Procedure~~, and service of process must be
571 made as required by court rule ~~specified by law for civil~~
572 ~~actions~~.

573 Section 23. Subsection (2) of section 68.083, Florida
574 Statutes, is amended to read:

575 68.083 Civil actions for false claims.--

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576 (2) A person may bring a civil action for a violation of s.
577 68.082 for the person and for the affected agency. Civil actions
578 instituted under this act ~~shall be governed by the Florida Rules~~
579 ~~of Civil Procedure~~ and shall be brought in the name of the State
580 of Florida. Prior to the court unsealing the complaint under
581 subsection (3), the action may be voluntarily dismissed by the
582 person bringing the action only if the department gives written
583 consent to the dismissal and its reasons for such consent.

584 Section 24. Section 83.231, Florida Statutes, is amended to
585 read:

586 83.231 Removal of tenant; judgment.--If the issues are
587 found for plaintiff, judgment shall be entered that plaintiff
588 recover possession of the premises. If the plaintiff expressly
589 and specifically sought money damages in the complaint, in
590 addition to awarding possession of the premises to the plaintiff,
591 the court shall also direct, in an amount which is within its
592 jurisdictional limitations, the entry of a money judgment in
593 favor of the plaintiff and against the defendant for the amount
594 of money found due, owing, and unpaid by the defendant, with
595 costs. However, no money judgment shall be entered unless service
596 of process has been effected by personal service or, where
597 authorized by law, by certified or registered mail, return
598 receipt, or in any other manner prescribed by law or the rules of
599 the court, ~~and no money judgment may be entered except in~~
600 ~~compliance with the Florida Rules of Civil Procedure~~. Where
601 otherwise authorized by law, the plaintiff in the judgment for
602 possession and money damages may also be awarded attorney's fees
603 and costs. If the issues are found for defendant, judgment shall
604 be entered dismissing the action.

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605 Section 25. Section 83.625, Florida Statutes, is amended to
606 read:

607 83.625 Power to award possession and enter money
608 judgment.--In an action by the landlord for possession of a
609 dwelling unit based upon nonpayment of rent, if the court finds
610 the rent is due, owing, and unpaid and by reason thereof the
611 landlord is entitled to possession of the premises, the court, in
612 addition to awarding possession of the premises to the landlord,
613 shall direct, in an amount which is within its jurisdictional
614 limitations, the entry of a money judgment with costs in favor of
615 the landlord and against the tenant for the amount of money found
616 due, owing, and unpaid by the tenant to the landlord. However, no
617 money judgment shall be entered unless service of process has
618 been effected by personal service or, where authorized by law, by
619 certified or registered mail, return receipt, or in any other
620 manner prescribed by law or the rules of the court; ~~and no money~~
621 ~~judgment may be entered except in compliance with the Florida~~
622 ~~Rules of Civil Procedure.~~ The prevailing party in the action may
623 also be awarded attorney's fees and costs.

624 Section 26. Paragraph (c) of subsection (3) of section
625 222.30, Florida Statutes, is amended to read:

626 222.30 Fraudulent asset conversions.--

627 (3) In an action for relief against a fraudulent asset
628 conversion, a creditor may obtain:

629 (c) Subject to applicable principles of equity ~~and in~~
630 ~~accordance with applicable rules of civil procedure:~~

631 1. An injunction against further conversion by the debtor
632 of the asset or of other property.

633 2. Any other relief the circumstances may require.

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634 Section 27. Paragraph (b) of subsection (4) of section
635 255.071, Florida Statutes, is amended to read:

636 255.071 Payment of subcontractors, sub-subcontractors,
637 materialmen, and suppliers on construction contracts for public
638 projects.--

639 (4) After service of the complaint, the court shall conduct
640 an evidentiary hearing on the complaint, upon not less than 15
641 days' written notice. The person providing labor, services, or
642 materials is entitled to the following remedies to the extent of
643 the undisputed amount due for labor or services performed or
644 materials supplied, and upon proof of each allegation in the
645 complaint:

646 (b) A temporary injunction against the person who received
647 the payment, subject to the bond requirements specified in court
648 rule ~~the Florida Rules of Civil Procedure~~.

649 Section 28. Subsection (4) of section 316.1934, Florida
650 Statutes, is amended to read:

651 316.1934 Presumption of impairment; testing methods.--

652 (4) Any person charged with a violation of s. 316.193,
653 whether in a municipality or not, is entitled to trial by jury
654 ~~according to the Florida Rules of Criminal Procedure~~.

655 Section 29. Subsection (4) of section 327.354, Florida
656 Statutes, is amended to read:

657 327.354 Presumption of impairment; testing methods.--

658 (4) Any person charged with a violation of s. 327.35 is
659 entitled to trial by jury ~~according to the Florida Rules of~~
660 ~~Criminal Procedure~~.

661 Section 30. Subsection (2) of section 364.183, Florida
662 Statutes, is amended to read:

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663 364.183 Access to company records.--

664 (2) Discovery in any docket or proceeding before the

665 commission shall be in the manner provided for in ~~Rule 1.280 of~~

666 the Florida Rules of Civil Procedure. Upon a showing by a company

667 or other person and a finding by the commission that discovery

668 will require the disclosure of proprietary confidential business

669 information, the commission shall issue an appropriate protective

670 order designating the manner for handling such information during

671 the course of the proceeding and for protecting such information

672 from disclosure outside the proceeding. Such proprietary

673 confidential business information shall be exempt from s.

674 119.07(1). Any records provided pursuant to a discovery request

675 for which proprietary confidential business information status is

676 requested shall be treated by the commission and the Office of

677 the Public Counsel and any other party subject to the public

678 records law as confidential and shall be exempt from s.

679 119.07(1), pending a formal ruling on such request by the

680 commission or the return of the records to the person providing

681 the records. Any record which has been determined to be

682 proprietary confidential business information and is not entered

683 into the official record of the proceeding shall be returned to

684 the person providing the record within 60 days after the final

685 order, unless the final order is appealed. If the final order is

686 appealed, any such record shall be returned within 30 days after

687 the decision on appeal. The commission shall adopt the necessary

688 rules to implement this subsection.

689 Section 31. Subsection (2) of section 366.093, Florida

690 Statutes, is amended to read:

691 366.093 Public utility records; confidentiality.--

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692 (2) Discovery in any docket or proceeding before the
693 commission shall be in the manner provided for in ~~Rule 1.280~~ of
694 the Florida Rules of Civil Procedure. Information which affects a
695 utility's rates or cost of service shall be considered relevant
696 for purposes of discovery in any docket or proceeding where the
697 utility's rates or cost of service are at issue. The commission
698 shall determine whether information requested in discovery
699 affects a utility's rates or cost of service. Upon a showing by a
700 utility or other person and a finding by the commission that
701 discovery will require the disclosure of proprietary confidential
702 business information, the commission shall issue appropriate
703 protective orders designating the manner for handling such
704 information during the course of the proceeding and for
705 protecting such information from disclosure outside the
706 proceeding. Such proprietary confidential business information
707 shall be exempt from s. 119.07(1). Any records provided pursuant
708 to a discovery request for which proprietary confidential
709 business information status is requested shall be treated by the
710 commission and the office of the Public Counsel and any other
711 party subject to the public records law as confidential and shall
712 be exempt from s. 119.07(1), pending a formal ruling on such
713 request by the commission or the return of the records to the
714 person providing the records. Any record which has been
715 determined to be proprietary confidential business information
716 and is not entered into the official record of the proceeding
717 must be returned to the person providing the record within 60
718 days after the final order, unless the final order is appealed.
719 If the final order is appealed, any such record must be returned

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720 | within 30 days after the decision on appeal. The commission shall
721 | adopt the necessary rules to implement this provision.

722 | Section 32. Subsection (2) of section 367.156, Florida
723 | Statutes, is amended to read:

724 | 367.156 Public utility records; confidentiality.--

725 | (2) Discovery in any docket or proceeding before the
726 | commission shall be in the manner provided for in ~~Rule 1.280~~ of
727 | the Florida Rules of Civil Procedure. Information which affects a
728 | utility's rates or cost of service shall be considered relevant
729 | for purposes of discovery in any docket or proceeding where the
730 | utility's rates or cost of service are at issue. The commission
731 | shall determine whether information requested in discovery
732 | affects a utility's rates or cost of service. Upon showing by a
733 | utility or other person and a finding by the commission that
734 | discovery will require the disclosure of proprietary confidential
735 | business information, the commission shall issue appropriate
736 | protective orders designating the manner for handling such
737 | information during the course of the proceeding and for
738 | protecting such information from disclosure outside the
739 | proceeding. Such proprietary confidential business information
740 | shall be exempt from s. 119.07(1). Any records provided pursuant
741 | to a discovery request for which proprietary confidential
742 | business information status is requested shall be treated by the
743 | commission and the office of the Public Counsel and any other
744 | party subject to the public records act as confidential and shall
745 | be exempt from s. 119.07(1), pending a formal ruling on such
746 | request by the commission or the return of the records to the
747 | person providing the records. Any record which has been
748 | determined to be proprietary confidential business information

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749 and is not entered into the official record of the proceeding
750 must be returned to the person providing the record within 60
751 days after the final order, unless the final order is appealed.
752 If the final order is appealed, any such record must be returned
753 within 30 days after the decision on appeal. The commission shall
754 adopt the necessary rules to implement this provision.

755 Section 33. Subsection (2) of section 368.108, Florida
756 Statutes, is amended to read:

757 368.108 Confidentiality; discovery.--

758 (2) Discovery in any docket or proceeding before the
759 commission shall be in the manner provided for in ~~Rule 1.280~~ of
760 the Florida Rules of Civil Procedure. Information which affects a
761 natural gas transmission company's rates or cost of service shall
762 be considered relevant for purposes of discovery in any docket or
763 proceeding where the natural gas transmission company's rates or
764 cost of service are at issue. The commission shall determine
765 whether information requested in discovery affects a natural gas
766 transmission company's rates or cost of service. Upon a showing
767 by a natural gas transmission company or other person and a
768 finding by the commission that discovery will require the
769 disclosure of proprietary confidential business information, the
770 commission shall issue appropriate protective orders designating
771 the manner for handling such information during the course of the
772 proceeding and for protecting such information from disclosure
773 outside the proceeding. Such proprietary confidential business
774 information shall be exempt from s. 119.07(1). Any records
775 provided pursuant to a discovery request for which proprietary
776 confidential business information status is requested shall be
777 treated by the commission and the office of the Public Counsel

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778 and any other party subject to the public records law as
779 confidential and shall be exempt from s. 119.07(1) pending a
780 formal ruling on such request by the commission or the return of
781 the records to the person providing the records. Any record which
782 has been determined to be proprietary confidential business
783 information and is not entered into the official record of the
784 proceeding must be returned to the person providing the record
785 within 60 days after the final order, unless the final order is
786 appealed. If the final order is appealed, any such record must be
787 returned within 30 days after the decision on appeal. The
788 commission shall adopt the necessary rules to implement this
789 provision.

790 Section 34. Subsection (1) of section 392.60, Florida
791 Statutes, is amended to read:

792 392.60 Right of appeal; immediate release.--

793 (1) Any person who is aggrieved by the entry of an order
794 under s. 392.55, s. 392.56, or s. 392.57 may ~~shall have the~~
795 ~~period of time provided by the Florida Rules of Appellate~~
796 ~~Procedure within which to~~ appeal an order of ~~from~~ the circuit
797 court. Every order entered under the terms of s. 392.55, s.
798 392.56, or s. 392.57 shall be executed immediately unless the
799 court entering such order or the appellate court, in its
800 discretion, enters a supersedeas order and fixes the terms and
801 conditions thereof.

802 Section 35. Paragraph (a) of subsection (12) of section
803 393.11, Florida Statutes, is amended to read:

804 393.11 Involuntary admission to residential services.--

805 (12) APPEAL.--

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806 (a) Any party to the proceeding who is affected by an order
807 of the court, including the agency, may appeal ~~to the appropriate~~
808 ~~district court of appeal within the time and in the manner~~
809 ~~prescribed by the Florida Rules of Appellate Procedure.~~

810 Section 36. Paragraph (b) of subsection (1) and paragraph
811 (a) of subsection (2) of section 393.12, Florida Statutes, are
812 amended to read:

813 393.12 Capacity; appointment of guardian advocate.--

814 (1) CAPACITY.--

815 (b) The issue of capacity of a person with developmental
816 disabilities shall be determined in a separate proceeding
817 according to the procedures and requirements of chapter 744 ~~and~~
818 ~~the Florida Probate Rules.~~

819 (2) APPOINTMENT OF A GUARDIAN ADVOCATE.--

820 (a) Conditions.--A probate court may appoint a guardian
821 advocate, without an adjudication of incapacity, for a person
822 with developmental disabilities, if the person lacks the capacity
823 to do some, but not all, of the tasks necessary to care for his
824 or her person, property, or estate or if the person has
825 voluntarily petitioned for the appointment of a guardian
826 advocate. Except as otherwise specified, the proceeding shall be
827 governed by the Florida Rules of Civil Procedure.

828 Section 37. Paragraph (a) of subsection (7) and subsections
829 (10) and (11) of section 400.0233, Florida Statutes, are amended
830 to read:

831 400.0233 Presuit notice; investigation; notification of
832 violation of resident's rights or alleged negligence; claims
833 evaluation procedure; informal discovery; review; settlement
834 offer; mediation.--

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835 (7) Informal discovery may be used by a party to obtain
836 unsworn statements and the production of documents or things as
837 follows:

838 (a) Unsworn statements.--Any party may require other
839 parties to appear for the taking of an unsworn statement. Such
840 statements may be used only for the purpose of claims evaluation
841 and are not discoverable or admissible in any civil action for
842 any purpose by any party. A party seeking to take the unsworn
843 statement of any party must give reasonable notice in writing to
844 all parties. The notice must state the time and place for taking
845 the statement and the name and address of the party to be
846 examined. Unless otherwise impractical, the examination of any
847 party must be done at the same time by all other parties. Any
848 party may be represented by counsel at the taking of an unsworn
849 statement. An unsworn statement may be recorded electronically,
850 stenographically, or on videotape. The procedure for the taking
851 of an unsworn statement shall be as if the statement were an
852 unsworn statement as provided in statements is subject to the
853 provisions of the Florida Rules of Civil Procedure related to
854 medical malpractice presuit screening. The taking of the
855 statement and may be terminated for abuses.

856 (10) To the extent not inconsistent with this part, the
857 provisions of chapter 44 and the ~~Florida Mediation Code~~, Florida
858 Rules of Civil Procedure, shall be applicable to such
859 proceedings.

860 (11) Within 30 days after the claimant's receipt of the
861 defendant's response to the claim, the parties or their
862 designated representatives shall meet in mediation to discuss the
863 issues of liability and damages in accordance with chapter 44 and

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864 the mediation rules of practice and procedures adopted by the
865 Supreme Court and applicable to civil actions in circuit court.
866 Upon stipulation of the parties, this 30-day period may be
867 extended and the statute of limitations is tolled during the
868 mediation and any such extension. At the conclusion of mediation,
869 the claimant shall have 60 days or the remainder of the period of
870 the statute of limitations, whichever is greater, within which to
871 file suit.

872 Section 38. Paragraph (m) of subsection (4) of section
873 409.2563, Florida Statutes, is amended to read:

874 409.2563 Administrative establishment of child support
875 obligations.--

876 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
877 SUPPORT ORDER.--To commence a proceeding under this section, the
878 department shall provide to the custodial parent and serve the
879 noncustodial parent with a notice of proceeding to establish
880 administrative support order and a blank financial affidavit
881 form. The notice must state:

882 (m) That, neither the department nor the Division of
883 Administrative Hearings has jurisdiction to award or change child
884 custody or rights of parental contact and these issues may only
885 be addressed in circuit court.

886 1. The noncustodial parent may request in writing that the
887 department proceed in circuit court to determine his or her
888 support obligations.

889 2. The noncustodial parent may state in writing to the
890 department his or her intention to address issues concerning
891 custody or rights to parental contact in circuit court.

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892 3. If the noncustodial parent submits the request
893 authorized in subparagraph 1., or the statement authorized in
894 subparagraph 2. to the department within 20 days after the
895 receipt of the initial notice, the department shall file a
896 petition in circuit court for the determination of the
897 noncustodial parent's child support obligations, and shall send
898 to the noncustodial parent a copy of its petition, a notice of
899 commencement of action, and a request for waiver of service of
900 process ~~as provided in the Florida Rules of Civil Procedure.~~

901 4. If, within 10 days after receipt of the department's
902 petition and waiver of service, the noncustodial parent signs and
903 returns the waiver of service form to the department, the
904 department shall terminate the administrative proceeding without
905 prejudice and proceed in circuit court.

906 5. In any circuit court action filed by the department
907 pursuant to this paragraph or filed by a noncustodial parent or
908 other person pursuant to paragraph (l) or paragraph (n), the
909 department shall be a party only with respect to those issues of
910 support allowed and reimbursable under Title IV-D of the Social
911 Security Act. It is the responsibility of the noncustodial parent
912 or other person to take the necessary steps to present other
913 issues for the court to consider.

914
915 The department may serve the notice of proceeding to establish
916 administrative support order by certified mail, restricted
917 delivery, return receipt requested. Alternatively, the department
918 may serve the notice by any means permitted for service of
919 process in a civil action. For purposes of this section, an
920 authorized employee of the department may serve the notice and

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921 execute an affidavit of service. Service by certified mail is
922 completed when the certified mail is received or refused by the
923 addressee or by an authorized agent as designated by the
924 addressee in writing. If a person other than the addressee signs
925 the return receipt, the department shall attempt to reach the
926 addressee by telephone to confirm whether the notice was
927 received, and the department shall document any telephonic
928 communications. If someone other than the addressee signs the
929 return receipt, the addressee does not respond to the notice, and
930 the department is unable to confirm that the addressee has
931 received the notice, service is not completed and the department
932 shall attempt to have the addressee served personally. The
933 department shall provide the custodial parent or caretaker
934 relative with a copy of the notice by regular mail to the last
935 known address of the custodial parent or caretaker.

936 Section 39. Subsection (4) of section 409.257, Florida
937 Statutes, is amended to read:

938 409.257 Service of process.--

939 (4) Notices and other intermediate process, except witness
940 subpoenas, shall be served by the department as provided for in
941 court rule ~~the Florida Rules of Civil Procedure~~.

942 Section 40. Paragraph (b) of subsection (2) of section
943 415.1045, Florida Statutes, is amended to read:

944 415.1045 Photographs, videotapes, and medical examinations;
945 abrogation of privileged communications; confidential records and
946 documents.--

947 (2) MEDICAL EXAMINATIONS.--

948 (b) Upon admission to a hospital or health care facility,
949 with the consent of the vulnerable adult who has capacity to

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950 consent or that person's guardian, or pursuant to s. 415.1051,
951 the medical staff of the facility may examine, diagnose, or treat
952 the vulnerable adult. If a person who has legal authority to give
953 consent for the provision of medical treatment to a vulnerable
954 adult has not given or has refused to give such consent,
955 examination and treatment must be limited to reasonable
956 examination of the patient to determine the medical condition of
957 the patient and treatment reasonably necessary to alleviate the
958 medical condition or to stabilize the patient pending a
959 determination by the court of the department's petition
960 authorizing protective services. Any person may seek an expedited
961 judicial intervention under ~~rule 5.900~~ of the Florida Probate
962 Rules concerning medical treatment procedures.

963 Section 41. Paragraph (c) of subsection (2) of section
964 415.1051, Florida Statutes, is amended to read:

965 415.1051 Protective services interventions when capacity to
966 consent is lacking; nonemergencies; emergencies; orders;
967 limitations.--

968 (2) EMERGENCY PROTECTIVE SERVICES INTERVENTION.--If the
969 department has reasonable cause to believe that a vulnerable
970 adult is suffering from abuse or neglect that presents a risk of
971 death or serious physical injury to the vulnerable adult and that
972 the vulnerable adult lacks the capacity to consent to emergency
973 protective services, the department may take action under this
974 subsection. If the vulnerable adult has the capacity to consent
975 and refuses consent to emergency protective services, emergency
976 protective services may not be provided.

977 (c) Emergency medical treatment.--If, upon admission to a
978 medical facility, it is the opinion of the medical staff that

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979 immediate medical treatment is necessary to prevent serious
980 physical injury or death, and that such treatment does not
981 violate a known health care advance directive prepared by the
982 vulnerable adult, the medical facility may proceed with treatment
983 to the vulnerable adult. If a person with legal authority to give
984 consent for the provision of medical treatment to a vulnerable
985 adult has not given or has refused to give such consent,
986 examination and treatment must be limited to reasonable
987 examination of the patient to determine the medical condition of
988 the patient and treatment reasonably necessary to alleviate the
989 emergency medical condition or to stabilize the patient pending
990 court determination of the department's petition authorizing
991 emergency protective services. Any person may seek an expedited
992 judicial intervention under ~~rule 5.900~~ of the Florida Probate
993 Rules concerning medical treatment procedures.

994 Section 42. Paragraph (a) of subsection (7) and subsections
995 (10) and (11) of section 429.293, Florida Statutes, are amended
996 to read:

997 429.293 Presuit notice; investigation; notification of
998 violation of residents' rights or alleged negligence; claims
999 evaluation procedure; informal discovery; review; settlement
1000 offer; mediation.--

1001 (7) Informal discovery may be used by a party to obtain
1002 unsworn statements and the production of documents or things, as
1003 follows:

1004 (a) Unsworn statements.--Any party may require other
1005 parties to appear for the taking of an unsworn statement. Such
1006 statements may be used only for the purpose of claims evaluation
1007 and are not discoverable or admissible in any civil action for

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1008 any purpose by any party. A party seeking to take the unsworn
1009 statement of any party must give reasonable notice in writing to
1010 all parties. The notice must state the time and place for taking
1011 the statement and the name and address of the party to be
1012 examined. Unless otherwise impractical, the examination of any
1013 party must be done at the same time by all other parties. Any
1014 party may be represented by counsel at the taking of an unsworn
1015 statement. An unsworn statement may be recorded electronically,
1016 stenographically, or on videotape. The procedure for the taking
1017 of an unsworn statement shall be as if the statement were an
1018 unsworn statement as provided in ~~statements is subject to the~~
1019 ~~provisions of~~ the Florida Rules of Civil Procedure related to
1020 medical malpractice presuit screening. The taking of the
1021 statement ~~and~~ may be terminated for abuses.

1022 (10) To the extent not inconsistent with this part, the
1023 provisions of chapter 44 and the Florida Mediation Code, Florida
1024 Rules of Civil Procedure~~,~~ shall be applicable to such
1025 proceedings.

1026 (11) Within 30 days after the claimant's receipt of
1027 defendant's response to the claim, the parties or their
1028 designated representatives shall meet in mediation to discuss the
1029 issues of liability and damages in accordance with chapter 44 and
1030 the mediation rules of practice and procedures adopted by the
1031 Supreme Court and applicable to civil actions in circuit court.
1032 Upon stipulation of the parties, this 30-day period may be
1033 extended and the statute of limitations is tolled during the
1034 mediation and any such extension. At the conclusion of mediation,
1035 the claimant shall have 60 days or the remainder of the period of

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1036 the statute of limitations, whichever is greater, within which to
1037 file suit.

1038 Section 43. Section 440.31, Florida Statutes, is amended to
1039 read:

1040 440.31 Witness fees.--

1041 (1) Each witness who appears in obedience to a subpoena is
1042 ~~shall be~~ entitled to the same fees as witnesses in a civil action
1043 in the circuit court. ~~; however, any~~

1044 (2) ~~Each~~ expert witness, ~~as defined in Rule 1.390(a) of the~~
1045 ~~Florida Rules of Civil Procedure,~~ who testifies ~~shall have~~
1046 ~~testified~~ in any proceeding under this chapter shall be allowed a
1047 witness fee, including the cost of any exhibits used by such
1048 witness, in such reasonable amount as the judge of compensation
1049 claims may determine, not in excess of the rate prevailing in the
1050 locality for witness fees for such expert witnesses in workers'
1051 compensation proceedings, notwithstanding the limitation provided
1052 in s. 92.231. As used in this subsection, an expert witness is a
1053 person duly and regularly engaged in the practice of a profession
1054 who holds a professional degree from a university or college and
1055 who has had special professional training and experience, or a
1056 person possessed of special knowledge or skill about the subject
1057 upon which he or she is called to testify.

1058 Section 44. Subsection (2) of section 447.507, Florida
1059 Statutes, is amended to read:

1060 447.507 Violation of strike prohibition; penalties.--

1061 (2) If a public employee, a group of employees, an employee
1062 organization, or any officer, agent, or representative of any
1063 employee organization engages in a strike in violation of s.
1064 447.505, either the commission or any public employer whose

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1065 employees are involved or whose employees may be affected by the
1066 strike may file suit to enjoin the strike ~~in the circuit court~~
1067 ~~having proper jurisdiction and proper venue of such actions under~~
1068 ~~the Florida Rules of Civil Procedure and Florida Statutes.~~ The
1069 circuit court shall conduct a hearing, with notice to the
1070 commission and to all interested parties, at the earliest
1071 practicable time. If the plaintiff makes a prima facie showing
1072 that a violation of s. 447.505 is in progress or that there is a
1073 clear, real, and present danger that such a strike is about to
1074 commence, the circuit court shall issue a temporary injunction
1075 enjoining the strike. Upon final hearing, the circuit court shall
1076 either make the injunction permanent or dissolve it.

1077 Section 45. Subsection (9) of section 448.110, Florida
1078 Statutes, is amended to read:

1079 448.110 State minimum wage; annual wage adjustment;
1080 enforcement.--

1081 (9) Actions brought pursuant to this section may be brought
1082 as a class action ~~pursuant to Rule 1.220, Florida Rules of Civil~~
1083 ~~Procedure.~~ In any class action brought pursuant to this section,
1084 the plaintiffs shall prove, by a preponderance of the evidence,
1085 the individual identity of each class member and the individual
1086 damages of each class member.

1087 Section 46. Paragraph (a) of subsection (7) of section
1088 456.057, Florida Statutes, is amended to read:

1089 456.057 Ownership and control of patient records; report or
1090 copies of records to be furnished.--

1091 (7) (a) Except as otherwise provided in this section and in
1092 s. 440.13(4)(c), such records may not be furnished to, and the
1093 medical condition of a patient may not be discussed with, any

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1094 | person other than the patient or the patient's legal
1095 | representative or other health care practitioners and providers
1096 | involved in the care or treatment of the patient, except upon
1097 | written authorization of the patient. However, such records may
1098 | be furnished without written authorization under the following
1099 | circumstances:

1100 | 1. To any person, firm, or corporation that has procured or
1101 | furnished such examination or treatment with the patient's
1102 | consent.

1103 | 2. When compulsory physical examination is made in a civil
1104 | action pursuant to court rule. 1.360, Florida Rules of Civil
1105 | ~~Procedure, in which case~~ Copies of the medical records shall be
1106 | furnished to parties entitled to such records under the rule both
1107 | ~~the defendant and the plaintiff.~~

1108 | 3. In any civil or criminal action, unless otherwise
1109 | prohibited by law, upon the issuance of a subpoena from a court
1110 | of competent jurisdiction and proper notice to the patient or the
1111 | patient's legal representative by the party seeking such records.

1112 | 4. For statistical and scientific research, provided the
1113 | information is abstracted in such a way as to protect the
1114 | identity of the patient or provided written permission is
1115 | received from the patient or the patient's legal representative.

1116 | 5. To a regional poison control center for purposes of
1117 | treating a poison episode under evaluation, case management of
1118 | poison cases, or compliance with data collection and reporting
1119 | requirements of s. 395.1027 and the professional organization
1120 | that certifies poison control centers in accordance with federal
1121 | law.

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1122 Section 47. Paragraph (b) of subsection (3) of section
1123 518.112, Florida Statutes, is amended to read:

1124 518.112 Delegation of investment functions.--

1125 (3) A fiduciary may delegate investment functions to an
1126 investment agent under subsection (1) or subsection (2), if:

1127 (b) In the case of a trust or estate, the fiduciary has
1128 given written notice, of its intention to begin delegating
1129 investment functions under this section, to all beneficiaries, or
1130 their legal representative, eligible to receive distributions
1131 from the trust or estate within 30 days of the delegation unless
1132 such notice is waived by the eligible beneficiaries entitled to
1133 receive such notice. This notice shall thereafter, until or
1134 unless the beneficiaries eligible to receive income from the
1135 trust or distributions from the estate at the time are notified
1136 to the contrary, authorize the trustee or legal representative to
1137 delegate investment functions pursuant to this subsection. This
1138 discretion to revoke the delegation does not imply under
1139 subsection (2) any continuing obligation to review the agent's
1140 actions.

1141 1. Notice to beneficiaries eligible to receive
1142 distributions from the trust from the estate, or their legal
1143 representatives shall be sufficient notice to all persons who may
1144 join the eligible class of beneficiaries in the future.

1145 2. Additionally, as used herein, legal representative
1146 includes one described in s. 731.303, without any requirement of
1147 a court order, an attorney-in-fact under a durable power of
1148 attorney sufficient to grant such authority, a legally appointed
1149 guardian, or equivalent under applicable law, any living, natural
1150 guardian of a minor child, or a guardian ad litem.

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- 1151 3. Written notice shall be:
- 1152 a. By any form of mail or by any commercial delivery
- 1153 service, approved for service of process by the chief judge of
- 1154 the judicial circuit in which the trust has its principal place
- 1155 of business at the date of notice, requiring a signed receipt; or
- 1156 b. As provided by law for service of process; ~~or~~
- 1157 ~~c. By an elisor as may be provided in the Florida Rules of~~
- 1158 ~~Civil Procedure.~~

1159

1160 Notice by mail or by approved commercial delivery service is

1161 complete on receipt of notice. Proof of notice must be by

1162 verified statement of the person mailing or sending notice, and

1163 there must be attached thereto the signed receipt or other

1164 satisfactory evidence that delivery was effected on the addressee

1165 or on the addressee's agent. Proof of notice must be maintained

1166 among the trustee's permanent records.

1167 Section 48. Subsection (4) of section 552.40, Florida

1168 Statutes, is amended to read:

1169 552.40 Administrative remedy for alleged damage due to the

1170 use of explosives in connection with construction materials

1171 mining activities.--

1172 (4) The administrative judge shall issue an order directing

1173 mediation ~~under Rule 1700 et seq., Florida Rules of Civil~~

1174 ~~Procedure.~~ The parties shall jointly select a mediator and the

1175 location of mediation. If the parties fail to do so within 30

1176 days after the order for mediation is issued, the administrative

1177 law judge shall designate the mediator and the location of

1178 mediation. Petitioner and respondent shall each pay one-half of

1179 the cost of mediation. If the petitioner's annual income is less

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1180 than 150 percent of the applicable federal poverty guideline
1181 published in the Federal Register by the United States Department
1182 of Health and Human Services, the respondent shall bear the full
1183 cost of mediation. The mediation must be concluded within 60 days
1184 after the date of designation of the mediator unless the parties
1185 agree upon a different date.

1186 Section 49. Paragraph (b) of subsection (1) and subsection
1187 (5) of section 607.0505, Florida Statutes, are amended to read:

1188 607.0505 Registered agent; duties.--

1189 (1)

1190 (b) Each such corporation, foreign corporation, or alien
1191 business organization which fails to have and continuously
1192 maintain a registered office and a registered agent as required
1193 in this section will be liable to this state for \$500 for each
1194 year, or part of a year, during which the corporation, foreign
1195 corporation, or alien business organization fails to comply with
1196 these requirements; but such liability will be forgiven in full
1197 upon the compliance by the corporation, foreign corporation, or
1198 alien business organization with the requirements of this
1199 subsection, even if such compliance occurs after an action to
1200 collect such liability is instituted. The Department of Legal
1201 Affairs may file an action in the circuit court for the judicial
1202 circuit in which the corporation, foreign corporation, or alien
1203 business organization is found or transacts business, or in which
1204 real property belonging to the corporation, foreign corporation,
1205 or alien business organization is located, to petition the court
1206 for an order directing that a registered agent be appointed and
1207 that a registered office be designated, and to obtain judgment
1208 for the amount owed under this subsection. In connection with

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1209 such proceeding, the department may, without prior approval by
1210 the court, file a lis pendens against real property owned by the
1211 corporation, foreign corporation, or alien business organization,
1212 which lis pendens shall set forth the legal description of the
1213 real property and shall be filed in the public records of the
1214 county where the real property is located. If the lis pendens is
1215 filed in any county other than the county in which the action is
1216 pending, the lis pendens which is filed must be a certified copy
1217 of the original lis pendens. The failure to comply timely or
1218 fully with an order directing that a registered agent be
1219 appointed and that a registered office be designated will result
1220 in a civil penalty of not more than \$1,000 for each day of
1221 noncompliance. A judgment or an order of payment entered pursuant
1222 to this subsection will become a judgment lien against any real
1223 property owned by the corporation, foreign corporation, or alien
1224 business organization when a certified copy of the judgment or
1225 order is recorded as required by s. 55.10. ~~The department will be~~
1226 ~~able to avail itself of, and is entitled to use, any provision of~~
1227 ~~law or of the Florida Rules of Civil Procedure to further the~~
1228 ~~collecting or obtaining of payment pursuant to a judgment or~~
1229 ~~order of payment.~~ The state, through the Attorney General, may
1230 bid, at any judicial sale to enforce its judgment lien, any
1231 amount up to the amount of the judgment or lien obtained pursuant
1232 to this subsection. All moneys recovered under this subsection
1233 shall be treated as forfeitures under ss. 895.01-895.09 and used
1234 or distributed in accordance with the procedure set forth in s.
1235 895.09. A corporation, foreign corporation, or alien business
1236 organization which fails to have and continuously maintain a
1237 registered office and a registered agent as required in this

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1238 section may not defend itself against any action instituted by
1239 the Department of Legal Affairs or by any other agency of this
1240 state until the requirements of this subsection have been met.

1241 (5) If a corporation, foreign corporation, or alien
1242 business organization fails without lawful excuse to comply
1243 timely or fully with a subpoena issued pursuant to subsection
1244 (2), the Department of Legal Affairs may file an action in the
1245 circuit court for the judicial circuit in which the corporation,
1246 foreign corporation, or alien business organization is found or
1247 transacts business or in which real property belonging to the
1248 corporation, foreign corporation, or alien business organization
1249 is located, for an order compelling compliance with the subpoena.
1250 The failure without a lawful excuse to comply timely or fully
1251 with an order compelling compliance with the subpoena will result
1252 in a civil penalty of not more than \$1,000 for each day of
1253 noncompliance with the order. In connection with such proceeding,
1254 the department may, without prior approval by the court, file a
1255 lis pendens against real property owned by the corporation,
1256 foreign corporation, or alien business organization, which lis
1257 pendens shall set forth the legal description of the real
1258 property and shall be filed in the public records of the county
1259 where the real property is located. If the lis pendens is filed
1260 in any county other than the county in which the action is
1261 pending, the lis pendens which is filed must be a certified copy
1262 of the original lis pendens. A judgment or an order of payment
1263 entered pursuant to this subsection will become a judgment lien
1264 against any real property owned by the corporation, foreign
1265 corporation, or alien business organization when a certified copy
1266 of the judgment or order is recorded as required by s. 55.10. ~~The~~

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1267 ~~department will be able to avail itself of, and is entitled to~~
1268 ~~use, any provision of law or of the Florida Rules of Civil~~
1269 ~~Procedure to further the collecting or obtaining of payment~~
1270 ~~pursuant to a judgment or order of payment.~~ The state, through
1271 the Attorney General, may bid, at any judicial sale to enforce
1272 its judgment lien, an amount up to the amount of the judgment or
1273 lien obtained pursuant to this subsection. All moneys recovered
1274 under this subsection shall be treated as forfeitures under ss.
1275 895.01-895.09 and used or distributed in accordance with the
1276 procedure set forth in s. 895.09.

1277 Section 50. Paragraph (b) of subsection (1) and subsection
1278 (5) of section 617.0503, Florida Statutes, are amended to read:

1279 617.0503 Registered agent; duties; confidentiality of
1280 investigation records.--

1281 (1)

1282 (b) Each such corporation, foreign corporation, or alien
1283 business organization that fails to have and continuously
1284 maintain a registered office and a registered agent as required
1285 in this section is liable to this state for \$500 for each year,
1286 or part of a year, during which the corporation, foreign
1287 corporation, or alien business organization fails to comply with
1288 these requirements; but this liability is forgiven in full upon
1289 the compliance by the corporation, foreign corporation, or alien
1290 business organization with the requirements of this subsection,
1291 even if that compliance occurs after an action to collect such
1292 amount is instituted. The Department of Legal Affairs may file an
1293 action in the circuit court for the judicial circuit in which the
1294 corporation, foreign corporation, or alien business organization
1295 is found or transacts business, or in which real property

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1296 | belonging to the corporation, foreign corporation, or alien
1297 | business organization is located, to petition the court for an
1298 | order directing that a registered agent be appointed and that a
1299 | registered office be designated, and to obtain judgment for the
1300 | amount owed under this subsection. In connection with such
1301 | proceeding, the department may, without prior approval by the
1302 | court, file a lis pendens against real property owned by the
1303 | corporation, foreign corporation, or alien business organization,
1304 | which lis pendens shall set forth the legal description of the
1305 | real property and shall be filed in the public records of the
1306 | county where the real property is located. If the lis pendens is
1307 | filed in any county other than the county in which the action is
1308 | pending, the lis pendens that is filed must be a certified copy
1309 | of the original lis pendens. The failure to comply timely or
1310 | fully with an order directing that a registered agent be
1311 | appointed and that a registered office be designated will result
1312 | in a civil penalty of not more than \$1,000 for each day of
1313 | noncompliance. A judgment or an order of payment entered under
1314 | this subsection becomes a judgment lien against any real property
1315 | owned by the corporation, foreign corporation, or alien business
1316 | organization when a certified copy of the judgment or order is
1317 | recorded as required by s. 55.10. ~~The department may avail itself~~
1318 | ~~of, and is entitled to use, any provision of law or of the~~
1319 | ~~Florida Rules of Civil Procedure to further the collecting or~~
1320 | ~~obtaining of payment pursuant to a judgment or order of payment.~~
1321 | The state, through the Attorney General, may bid, at any judicial
1322 | sale to enforce its judgment lien, any amount up to the amount of
1323 | the judgment or lien obtained pursuant to this subsection. All
1324 | moneys recovered under this subsection shall be treated as

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1325 forfeitures under ss. 895.01-895.09 and used or distributed in
1326 accordance with the procedure set forth in s. 895.09. A
1327 corporation, foreign corporation, or alien business organization
1328 that fails to have and continuously maintain a registered office
1329 and a registered agent as required in this section may not defend
1330 itself against any action instituted by the Department of Legal
1331 Affairs or by any other agency of this state until the
1332 requirements of this subsection have been met.

1333 (5) If a corporation, foreign corporation, or alien
1334 business organization fails without lawful excuse to comply
1335 timely or fully with a subpoena issued pursuant to subsection
1336 (2), the Department of Legal Affairs may file an action in the
1337 circuit court for the judicial circuit in which the corporation,
1338 foreign corporation, or alien business organization is found or
1339 transacts business or in which real property belonging to the
1340 corporation, foreign corporation, or alien business organization
1341 is located, for an order compelling compliance with the subpoena.
1342 The failure without a lawful excuse to comply timely or fully
1343 with an order compelling compliance with the subpoena will result
1344 in a civil penalty of not more than \$1,000 for each day of
1345 noncompliance with the order. In connection with such proceeding,
1346 the department may, without prior approval by the court, file a
1347 lis pendens against real property owned by the corporation,
1348 foreign corporation, or alien business organization, which lis
1349 pendens shall set forth the legal description of the real
1350 property and shall be filed in the public records of the county
1351 where the real property is located. If the lis pendens is filed
1352 in any county other than the county in which the action is
1353 pending, the lis pendens that is filed must be a certified copy

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1354 of the original lis pendens. A judgment or an order of payment
1355 entered pursuant to this subsection will become a judgment lien
1356 against any real property owned by the corporation, foreign
1357 corporation, or alien business organization when a certified copy
1358 of the judgment or order is recorded as required by s. 55.10. ~~The~~
1359 ~~department may avail itself of, and is entitled to use, any~~
1360 ~~provision of law or of the Florida Rules of Civil Procedure to~~
1361 ~~further the collecting or obtaining of payment pursuant to a~~
1362 ~~judgment or order of payment.~~ The state, through the Attorney
1363 General, may bid at any judicial sale to enforce its judgment
1364 lien, an amount up to the amount of the judgment or lien obtained
1365 pursuant to this subsection. All moneys recovered under this
1366 subsection shall be treated as forfeitures under ss. 895.01-
1367 895.09 and used or distributed in accordance with the procedure
1368 set forth in s. 895.09.

1369 Section 51. Paragraph (b) of subsection (4) of section
1370 713.346, Florida Statutes, is amended to read:

1371 713.346 Payment on construction contracts.--

1372 (4) After service of the complaint, the court shall conduct
1373 an evidentiary hearing on the complaint, upon not less than 15
1374 days' written notice. The person providing labor, services, or
1375 materials is entitled to the following remedies to the extent of
1376 the undisputed amount due for labor or services performed or
1377 materials supplied, and upon proof of each allegation in the
1378 complaint:

1379 (b) A temporary injunction against the person who received
1380 the payment, ~~subject to the bond requirements specified in the~~
1381 ~~Florida Rules of Civil Procedure.~~

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1382 Section 52. Paragraph (h) of subsection (4) of section
1383 718.1255, Florida Statutes, is amended to read:

1384 718.1255 Alternative dispute resolution; voluntary
1385 mediation; mandatory nonbinding arbitration; legislative
1386 findings.--

1387 (4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF
1388 DISPUTES.--The Division of Florida Land Sales, Condominiums, and
1389 Mobile Homes of the Department of Business and Professional
1390 Regulation shall employ full-time attorneys to act as arbitrators
1391 to conduct the arbitration hearings provided by this chapter. The
1392 division may also certify attorneys who are not employed by the
1393 division to act as arbitrators to conduct the arbitration
1394 hearings provided by this section. No person may be employed by
1395 the department as a full-time arbitrator unless he or she is a
1396 member in good standing of The Florida Bar. The department shall
1397 promulgate rules of procedure to govern such arbitration hearings
1398 including mediation incident thereto. The decision of an
1399 arbitrator shall be final; however, such a decision shall not be
1400 deemed final agency action. Nothing in this provision shall be
1401 construed to foreclose parties from proceeding in a trial de novo
1402 unless the parties have agreed that the arbitration is binding.
1403 If such judicial proceedings are initiated, the final decision of
1404 the arbitrator shall be admissible in evidence in the trial de
1405 novo.

1406 (h) Mediation proceedings must generally be conducted in
1407 accordance with chapter 44 ~~the Florida Rules of Civil Procedure,~~
1408 ~~and these proceedings are privileged and confidential to the same~~
1409 ~~extent as court ordered mediation.~~ Persons who are not parties to
1410 the dispute are not allowed to attend the mediation conference

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1411 without the consent of all parties, with the exception of counsel
1412 for the parties and corporate representatives designated to
1413 appear for a party. If the mediator declares an impasse after a
1414 mediation conference has been held, the arbitration proceeding
1415 terminates, unless all parties agree in writing to continue the
1416 arbitration proceeding, in which case the arbitrator's decision
1417 shall be either binding or nonbinding, as agreed upon by the
1418 parties; in the arbitration proceeding, the arbitrator shall not
1419 consider any evidence relating to the unsuccessful mediation
1420 except in a proceeding to impose sanctions for failure to appear
1421 at the mediation conference. If the parties do not agree to
1422 continue arbitration, the arbitrator shall enter an order of
1423 dismissal, and either party may institute a suit in a court of
1424 competent jurisdiction. The parties may seek to recover any costs
1425 and attorneys' fees incurred in connection with arbitration and
1426 mediation proceedings under this section as part of the costs and
1427 fees that may be recovered by the prevailing party in any
1428 subsequent litigation.

1429 Section 53. Paragraph (a) of subsection (2) of section
1430 720.311, Florida Statutes, is amended to read:

1431 720.311 Dispute resolution.--

1432 (2) (a) Disputes between an association and a parcel owner
1433 regarding use of or changes to the parcel or the common areas and
1434 other covenant enforcement disputes, disputes regarding
1435 amendments to the association documents, disputes regarding
1436 meetings of the board and committees appointed by the board,
1437 membership meetings not including election meetings, and access
1438 to the official records of the association shall be the subject
1439 of a demand for presuit mediation served by an aggrieved party

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1440 before the dispute is filed in court. Presuit mediation
1441 proceedings must be conducted in accordance with chapter 44 ~~the~~
1442 ~~applicable Florida Rules of Civil Procedure, and these~~
1443 ~~proceedings are privileged and confidential to the same extent as~~
1444 ~~court-ordered mediation.~~ Disputes subject to presuit mediation
1445 under this section shall not include the collection of any
1446 assessment, fine, or other financial obligation, including
1447 attorney's fees and costs, claimed to be due or any action to
1448 enforce a prior mediation settlement agreement between the
1449 parties. Also, in any dispute subject to presuit mediation under
1450 this section where emergency relief is required, a motion for
1451 temporary injunctive relief may be filed with the court without
1452 first complying with the presuit mediation requirements of this
1453 section. After any issues regarding emergency or temporary relief
1454 are resolved, the court may either refer the parties to a
1455 mediation program administered by the courts or require mediation
1456 under this section. An arbitrator or judge may not consider any
1457 information or evidence arising from the presuit mediation
1458 proceeding except in a proceeding to impose sanctions for failure
1459 to attend a presuit mediation session or to enforce a mediated
1460 settlement agreement. Persons who are not parties to the dispute
1461 may not attend the presuit mediation conference without the
1462 consent of all parties, except for counsel for the parties and a
1463 corporate representative designated by the association. When
1464 mediation is attended by a quorum of the board, such mediation is
1465 not a board meeting for purposes of notice and participation set
1466 forth in s. 720.303. An aggrieved party shall serve on the
1467 responding party a written demand to participate in presuit
1468 mediation in substantially the following form:

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1469

1470

1471 STATUTORY OFFER TO PARTICIPATE

1472

1473

1474 IN PRESUIT MEDIATION

1475

1476

1477 The alleged aggrieved party, _____, hereby demands
1478 that _____, as the responding party, engage in
1479 mandatory presuit mediation in connection with the following
1480 disputes, which by statute are of a type that are subject to
1481 presuit mediation:

1482

1483

1484 (List specific nature of the dispute or disputes to be mediated
1485 and the authority supporting a finding of a violation as to each
1486 dispute.)

1487

1488

1489 Pursuant to section 720.311, Florida Statutes, this demand to
1490 resolve the dispute through presuit mediation is required before
1491 a lawsuit can be filed concerning the dispute. Pursuant to the
1492 statute, the parties are required to engage in presuit mediation
1493 with a neutral third-party mediator in order to attempt to
1494 resolve this dispute without court action, and the aggrieved
1495 party demands that you likewise agree to this process. If you
1496 fail to participate in the mediation process, suit may be brought
1497 against you without further warning.

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1498
1499
1500 The process of mediation involves a supervised negotiation
1501 process in which a trained, neutral third-party mediator meets
1502 with both parties and assists them in exploring possible
1503 opportunities for resolving part or all of the dispute. By
1504 agreeing to participate in presuit mediation, you are not bound
1505 in any way to change your position. Furthermore, the mediator has
1506 no authority to make any decisions in this matter or to determine
1507 who is right or wrong and merely acts as a facilitator to ensure
1508 that each party understands the position of the other party and
1509 that all options for reasonable settlement are fully explored.

1510
1511
1512 If an agreement is reached, it shall be reduced to writing and
1513 becomes a binding and enforceable commitment of the parties. A
1514 resolution of one or more disputes in this fashion avoids the
1515 need to litigate these issues in court. The failure to reach an
1516 agreement, or the failure of a party to participate in the
1517 process, results in the mediator declaring an impasse in the
1518 mediation, after which the aggrieved party may proceed to court
1519 on all outstanding, unsettled disputes. If you have failed or
1520 refused to participate in the entire mediation process, you will
1521 not be entitled to recover attorney's fees, even if you prevail.

1522
1523
1524 The aggrieved party has selected and hereby lists five certified
1525 mediators who we believe to be neutral and qualified to mediate
1526 the dispute. You have the right to select any one of these

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1527 mediators. The fact that one party may be familiar with one or
1528 more of the listed mediators does not mean that the mediator
1529 cannot act as a neutral and impartial facilitator. Any mediator
1530 who cannot act in this capacity is required ethically to decline
1531 to accept engagement. The mediators that we suggest, and their
1532 current hourly rates, are as follows:

1533
1534
1535 (List the names, addresses, telephone numbers, and hourly rates
1536 of the mediators. Other pertinent information about the
1537 background of the mediators may be included as an attachment.)
1538
1539

1540 You may contact the offices of these mediators to confirm that
1541 the listed mediators will be neutral and will not show any
1542 favoritism toward either party. The Florida Supreme Court can
1543 provide you a list of certified mediators.
1544
1545

1546 Unless otherwise agreed by the parties, section 720.311(2)(b),
1547 Florida Statutes, requires that the parties share the costs of
1548 presuit mediation equally, including the fee charged by the
1549 mediator. An average mediation may require three to four hours of
1550 the mediator's time, including some preparation time, and the
1551 parties would need to share equally the mediator's fees as well
1552 as their own attorney's fees if they choose to employ an attorney
1553 in connection with the mediation. However, use of an attorney is
1554 not required and is at the option of each party. The mediators
1555 may require the advance payment of some or all of the anticipated

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1556 fees. The aggrieved party hereby agrees to pay or prepay one-half
1557 of the mediator's estimated fees and to forward this amount or
1558 such other reasonable advance deposits as the mediator requires
1559 for this purpose. Any funds deposited will be returned to you if
1560 these are in excess of your share of the fees incurred.

1561
1562
1563 To begin your participation in presuit mediation to try to
1564 resolve the dispute and avoid further legal action, please sign
1565 below and clearly indicate which mediator is acceptable to you.
1566 We will then ask the mediator to schedule a mutually convenient
1567 time and place for the mediation conference to be held. The
1568 mediation conference must be held within ninety (90) days of this
1569 date, unless extended by mutual written agreement. In the event
1570 that you fail to respond within 20 days from the date of this
1571 letter, or if you fail to agree to at least one of the mediators
1572 that we have suggested or to pay or prepay to the mediator one-
1573 half of the costs involved, the aggrieved party will be
1574 authorized to proceed with the filing of a lawsuit against you
1575 without further notice and may seek an award of attorney's fees
1576 or costs incurred in attempting to obtain mediation.

1577
1578
1579 Therefore, please give this matter your immediate attention. By
1580 law, your response must be mailed by certified mail, return
1581 receipt requested, and by first-class mail to the address shown
1582 on this demand.

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RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR AGREEMENT TO THAT CHOICE.

AGREEMENT TO MEDIATE

The undersigned hereby agrees to participate in presuit mediation and agrees to attend a mediation conducted by the following mediator or mediators who are listed above as someone who would be acceptable to mediate this dispute:

(List acceptable mediator or mediators.)

I/we further agree to pay or prepay one-half of the mediator's fees and to forward such advance deposits as the mediator may require for this purpose.

Signature of responding party #1

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1617 Telephone contact information

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1622 Signature and telephone contact information of responding party
1623 #2 (if applicable) (if property is owned by more than one person,
1624 all owners must sign)

1625 Section 54. Subsection (2) of section 723.0381, Florida
1626 Statutes, is amended to read:

1627 723.0381 Civil actions; arbitration.--

1628 (2) The court may refer the action to nonbinding
1629 arbitration pursuant to s. 44.103 ~~and the Florida Rules of Civil~~
1630 ~~Procedure~~. The court shall order the hearing to be held
1631 informally with presentation of testimony kept to a minimum and
1632 matters presented to the arbitrators primarily through the
1633 statements and arguments of counsel. The court shall assess the
1634 parties equally to pay the compensation awarded to the
1635 arbitrators if neither party requests a trial de novo. If a party
1636 has filed for a trial de novo, the party shall be assessed the
1637 arbitration costs, court costs, and other reasonable costs of the
1638 opposing party, including attorney's fees, investigation
1639 expenses, and expenses for expert or other testimony or evidence
1640 incurred after the arbitration hearing if the judgment upon the
1641 trial de novo is not more favorable than the arbitration
1642 decision. If subsequent to arbitration a party files for a trial

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1643 de novo, the arbitration decision may be made known to the judge
1644 only after he or she has entered his or her order on the merits.

1645 Section 55. Subsection (1) of section 726.108, Florida
1646 Statutes, is amended to read:

1647 726.108 Remedies of creditors.--

1648 (1) In an action for relief against a transfer or
1649 obligation under ss. 726.101-726.112, a creditor, subject to the
1650 limitations in s. 726.109 may obtain:

1651 (a) Avoidance of the transfer or obligation to the extent
1652 necessary to satisfy the creditor's claim;

1653 (b) An attachment or other provisional remedy against the
1654 asset transferred or other property of the transferee in
1655 accordance with applicable law;

1656 ~~(c) Subject to applicable principles of equity and in
1657 accordance with applicable rules of civil procedure:~~

1658 (c)1. An injunction against further disposition by the
1659 debtor or a transferee, or both, of the asset transferred or of
1660 other property;

1661 (d)2. Appointment of a receiver to take charge of the asset
1662 transferred or of other property of the transferee; or

1663 (e)3. Any other relief the circumstances may require.

1664 Section 56. Paragraph (b) of subsection (2) of section
1665 727.104, Florida Statutes, is amended to read:

1666 727.104 Commencement of proceedings.--

1667 (2) Within 10 days after delivery of the assignment to the
1668 assignee, the assignee shall:

1669 (b) File, in the office of the clerk of the court in the
1670 county of the assignor's place of business if it has one, in the
1671 county of its chief executive office if it has more than one

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1672 place of business, or in the county of the assignor's residence
1673 if the assignor is an individual not engaged in business, ~~in~~
1674 ~~accordance with the procedures for filing a complaint as set~~
1675 ~~forth in the Florida Rules of Civil Procedure,~~ a petition setting
1676 forth the name and address of the assignor and the name and
1677 address of the assignee; a copy of the assignment, together with
1678 Schedules A and B; and a request that the court fix the amount of
1679 the assignee's bond to be filed with the clerk of the court. This
1680 bond shall be subject to reconsideration upon the motion of any
1681 party in interest after notice and hearing. The bond shall be
1682 payable to the clerk of the court, in an amount not less than
1683 double the liquidation value of the assets of the estate as set
1684 forth in Schedule B, conditioned upon the assignee's faithful
1685 discharge of her or his duties. Within 30 days after the court
1686 enters an order setting the amount of such bond, the assignee
1687 shall file the bond with the clerk of the court, who shall
1688 approve the bond.

1689 Section 57. Section 731.011, Florida Statutes, is amended
1690 to read:

1691 731.011 Determination of substantive rights;
1692 procedures.--The code became effective on January 1, 1976. The
1693 substantive rights of all persons that vested prior to January 1,
1694 1976, shall be determined as provided in former chapters 731-737
1695 and 744-746. ~~The procedures for the enforcement of vested~~
1696 ~~substantive rights shall be as provided in the Florida Probate~~
1697 ~~Rules.~~

1698 Section 58. Subsection (2) of section 732.107, Florida
1699 Statutes, is amended to read:

1700 732.107 Escheat.--

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1701 (2) Property that escheats shall be sold ~~as provided in the~~
1702 ~~Florida Probate Rules~~ and the proceeds paid to the Chief
1703 Financial Officer of the state and deposited in the State School
1704 Fund.

1705 Section 59. Subsection (3) of section 733.101, Florida
1706 Statutes, is amended to read:

1707 733.101 Venue of probate proceedings.--

1708 (3) Whenever a proceeding is filed laying venue in an
1709 improper county, the court may transfer the action ~~in the same~~
1710 ~~manner as provided in the Florida Rules of Civil Procedure~~. Any
1711 action taken by the court or the parties before the transfer is
1712 not affected by the improper venue.

1713 Section 60. Subsection (3) of section 733.212, Florida
1714 Statutes, is amended to read:

1715 733.212 Notice of administration; filing of objections.--

1716 (3) Any interested person on whom a copy of the notice of
1717 administration is served must object to the validity of the will,
1718 the qualifications of the personal representative, the venue, or
1719 the jurisdiction of the court by filing a petition or other
1720 pleading requesting relief ~~in accordance with the Florida Probate~~
1721 ~~Rules~~ on or before the date that is 3 months after the date of
1722 service of a copy of the notice of administration on the
1723 objecting person, or those objections are forever barred.

1724 Section 61. Subsection (2) of section 733.6171, Florida
1725 Statutes, is amended to read:

1726 733.6171 Compensation of attorney for the personal
1727 representative.--

1728 (2) The attorney, the personal representative, and persons
1729 bearing the impact of the compensation may agree to compensation

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1730 determined in a different manner than provided in this section.
1731 Compensation may also be determined in a different manner than
1732 provided in this section if the manner is disclosed to the
1733 parties bearing the impact of the compensation and if no
1734 objection is made ~~as provided for in the Florida Probate Rules.~~

1735 Section 62. Subsection (2) of section 733.705, Florida
1736 Statutes, is amended to read:

1737 733.705 Payment of and objection to claims.--

1738 (2) On or before the expiration of 4 months from the first
1739 publication of notice to creditors or within 30 days from the
1740 timely filing or amendment of a claim, whichever occurs later, a
1741 personal representative or other interested person may file a
1742 written objection to a claim. If an objection is filed, the
1743 person filing it shall serve a copy of the objection ~~as provided~~
1744 ~~by the Florida Probate Rules.~~ The failure to serve a copy of the
1745 objection constitutes an abandonment of the objection. For good
1746 cause, the court may extend the time for filing or serving an
1747 objection to any claim. Objection to a claim constitutes an
1748 objection to an amendment of that claim unless the objection is
1749 withdrawn.

1750 Section 63. Subsection (2) of section 734.102, Florida
1751 Statutes, is amended to read:

1752 734.102 Ancillary administration.--

1753 ~~(2) Ancillary administration shall be commenced as provided~~
1754 ~~by the Florida Probate Rules.~~

1755 Section 64. Subsection (4) of section 736.0109, Florida
1756 Statutes, is amended to read:

1757 736.0109 Methods and waiver of notice.--

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1758 (4) Notice of a judicial proceeding must be given as
1759 provided in statute and the applicable court rule ~~Florida Rules~~
1760 ~~of Civil Procedure.~~

1761 Section 65. Subsection (1) and paragraph (c) of subsection
1762 (9) of section 738.104, Florida Statutes, are amended to read:

1763 738.104 Trustee's power to adjust.--

1764 (1) A trustee may adjust between principal and income to
1765 the extent the trustee considers necessary if the trustee invests
1766 and manages trust assets as a prudent investor, the terms of the
1767 trust describe the amount that may or shall be distributed to a
1768 beneficiary by referring to the trust's income, and the trustee
1769 determines, after applying the provisions of ~~rules in~~ s.
1770 738.103(1), that the trustee is unable to comply with s.
1771 738.103(2).

1772 (9)

1773 (c) The statement referred to in this subsection shall be
1774 served informally by delivering a copy or mailing it to the
1775 beneficiary, ~~in the manner provided in the Florida Rules of Civil~~
1776 ~~Procedure relating to service of pleadings subsequent to the~~
1777 ~~initial pleading.~~ The statement may be served on a legal
1778 representative or natural guardian of a beneficiary without the
1779 filing of any proceeding or approval of any court.

1780 Section 66. Paragraph (c) of subsection (2) of section
1781 738.1041, Florida Statutes, is amended to read:

1782 738.1041 Total return unitrust.--

1783 (2) A trustee may, without court approval, convert an
1784 income trust to a total return unitrust, reconvert a total return
1785 unitrust to an income trust, or change the percentage used to

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1786 calculate the unitrust amount or the method used to determine the
1787 fair market value of the trust if:

1788 (c) The trustee sends written notice of its intention to
1789 take such action, along with copies of such written statement and
1790 this section, and, if applicable, the determinations of either
1791 the trustee or the disinterested person to:

1792 1. The grantor of the trust, if living.

1793 2. All living persons who are currently receiving or
1794 eligible to receive distributions of income of the trust.

1795 3. All living persons who would receive distributions of
1796 principal of the trust if the trust were to terminate at the time
1797 of the giving of such notice (without regard to the exercise of
1798 any power of appointment) or, if the trust does not provide for
1799 its termination, all living persons who would receive or be
1800 eligible to receive distributions of income or principal of the
1801 trust if the persons identified in subparagraph 2. were deceased.

1802 4. All persons acting as advisers or protectors of the
1803 trust.

1804

1805 Notice under this paragraph shall be served informally by
1806 delivering a copy or mailing it to the beneficiary, ~~in the manner~~
1807 ~~provided in the Florida Rules of Civil Procedure relating to~~
1808 ~~service of pleadings subsequent to the initial pleading.~~ Notice
1809 may be served on a legal representative or natural guardian of a
1810 person without the filing of any proceeding or approval of any
1811 court;

1812 Section 67. Paragraph (b) of subsection (5), paragraph (h)
1813 of subsection (6), and paragraph (b) of subsection (9) of section
1814 741.30, Florida Statutes, are amended to read:

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1815 741.30 Domestic violence; injunction; powers and duties of
1816 court and clerk; petition; notice and hearing; temporary
1817 injunction; issuance of injunction; statewide verification
1818 system; enforcement.--

1819 (5)

1820 (b) In a hearing ex parte for the purpose of obtaining such
1821 ex parte temporary injunction, no evidence other than verified
1822 pleadings or affidavits shall be used as evidence, unless the
1823 respondent appears at the hearing or has received reasonable
1824 notice of the hearing. A denial of a petition for an ex parte
1825 injunction shall be by written order noting the legal grounds for
1826 denial. When the only ground for denial is no appearance of an
1827 immediate and present danger of domestic violence, the court
1828 shall set a full hearing on the petition for injunction with
1829 notice at the earliest possible time. Nothing herein affects a
1830 petitioner's right to promptly amend any petition, or otherwise
1831 be heard in person on any petition consistent with court rule ~~the~~
1832 ~~Florida Rules of Civil Procedure.~~

1833 (6)

1834 (h) All proceedings under this subsection shall be
1835 recorded. Recording may be by electronic means ~~as provided by the~~
1836 ~~Rules of Judicial Administration.~~

1837 (9)

1838 (b) If the respondent is arrested by a law enforcement
1839 officer under s. 901.15(6) or for a violation of s. 741.31, the
1840 respondent shall be held in custody until brought before the
1841 court as expeditiously as possible for the purpose of enforcing
1842 the injunction and for admittance to bail in accordance with

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1843 chapter 903 ~~and the applicable rules of criminal procedure,~~
1844 pending a hearing.

1845 Section 68. Subsection (2) of section 742.16, Florida
1846 Statutes, is amended to read:

1847 742.16 Expedited affirmation of parental status for
1848 gestational surrogacy.--

1849 (2) After the petition is filed, the court shall fix a time
1850 and place for hearing the petition, which may be immediately
1851 after the filing of the petition. Notice of hearing shall be
1852 given as prescribed by court rule ~~the rules of civil procedure,~~
1853 and service of process shall be made as specified by law for
1854 civil actions.

1855 Section 69. Subsection (11) of section 742.18, Florida
1856 Statutes, is amended to read:

1857 742.18 Disestablishment of paternity or termination of
1858 child support obligation.--

1859 (11) Nothing in this section precludes an individual from
1860 seeking relief from a final judgment, decree, order, or
1861 proceeding pursuant to court rule 1.540, ~~Florida Rules of Civil~~
1862 ~~Procedure~~, or from challenging a paternity determination pursuant
1863 to s. 742.10(4).

1864 Section 70. Paragraph (d) of subsection (1) of section
1865 744.3025, Florida Statutes, is amended to read:

1866 744.3025 Claims of minors.--

1867 (1)

1868 (d) The duty of the guardian ad litem is to protect the
1869 minor's interests ~~as described in the Florida Probate Rules.~~

1870 Section 71. Subsection (2) of section 744.307, Florida
1871 Statutes, is amended to read:

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1872 744.307 Foreign guardian may manage the property of
1873 nonresident ward.--

1874 (2) The guardian shall designate a resident agent ~~as~~
1875 ~~required by the Florida Probate Rules.~~

1876 Section 72. Subsection (2) of section 744.447, Florida
1877 Statutes, is amended to read:

1878 744.447 Petition for authorization to act.--

1879 (2) No notice of a petition to authorize a sale of
1880 perishable personal property or of property rapidly deteriorating
1881 shall be required. Notice of a petition to perform any other acts
1882 under s. 744.441 or s. 744.446 shall be given to the ward, to the
1883 next of kin, if any, and to those interested persons who have
1884 filed requests for notices and copies of pleadings, ~~as provided~~
1885 ~~in the Florida Probate Rules,~~ unless waived by the court. Notice
1886 need not be given to a ward who is under 14 years of age or who
1887 has been determined to be totally incapacitated.

1888 Section 73. Section 765.105, Florida Statutes, is amended
1889 to read:

1890 765.105 Review of surrogate or proxy's decision.--The
1891 patient's family, the health care facility, or the attending
1892 physician, or any other interested person who may reasonably be
1893 expected to be directly affected by the surrogate or proxy's
1894 decision concerning any health care decision may seek expedited
1895 judicial intervention ~~pursuant to rule 5.900 of the Florida~~
1896 ~~Probate Rules,~~ if that person believes:

1897 (1) The surrogate or proxy's decision is not in accord with
1898 the patient's known desires or the provisions of this chapter;

1899 (2) The advance directive is ambiguous, or the patient has
1900 changed his or her mind after execution of the advance directive;

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1901 (3) The surrogate or proxy was improperly designated or
1902 appointed, or the designation of the surrogate is no longer
1903 effective or has been revoked;

1904 (4) The surrogate or proxy has failed to discharge duties,
1905 or incapacity or illness renders the surrogate or proxy incapable
1906 of discharging duties;

1907 (5) The surrogate or proxy has abused powers; or

1908 (6) The patient has sufficient capacity to make his or her
1909 own health care decisions.

1910 Section 74. Section 765.113, Florida Statutes, is amended
1911 to read:

1912 765.113 Restrictions on providing consent.--Unless the
1913 principal expressly delegates such authority to the surrogate in
1914 writing, or a surrogate or proxy has sought and received court
1915 approval ~~pursuant to rule 5.900 of the Florida Probate Rules~~, a
1916 surrogate or proxy may not provide consent for:

1917 (1) Abortion, sterilization, electroshock therapy,
1918 psychosurgery, experimental treatments that have not been
1919 approved by a federally approved institutional review board in
1920 accordance with 45 C.F.R. part 46 or 21 C.F.R. part 56, or
1921 voluntary admission to a mental health facility.

1922 (2) Withholding or withdrawing life-prolonging procedures
1923 from a pregnant patient prior to viability as defined in s.
1924 390.0111(4).

1925 Section 75. Paragraph (a) of subsection (3) of section
1926 768.81, Florida Statutes, is amended to read:

1927 768.81 Comparative fault.--

1928 (3) APPORTIONMENT OF DAMAGES.--In cases to which this
1929 section applies, the court shall enter judgment against each

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1930 party liable on the basis of such party's percentage of fault and
1931 not on the basis of the doctrine of joint and several liability.

1932 (a) In order to allocate any or all fault to a nonparty, a
1933 defendant must affirmatively plead the fault of a nonparty and,
1934 absent a showing of good cause, identify the nonparty, if known,
1935 or describe the nonparty as specifically as practicable, either
1936 by motion or in the initial responsive pleading when defenses are
1937 first presented, subject to amendment any time before trial in
1938 accordance with court rule ~~the Florida Rules of Civil Procedure~~.

1939 Section 76. Paragraph (b) of subsection (9) of section
1940 784.046, Florida Statutes, is amended to read:

1941 784.046 Action by victim of repeat violence, sexual
1942 violence, or dating violence for protective injunction; powers
1943 and duties of court and clerk of court; filing and form of
1944 petition; notice and hearing; temporary injunction; issuance;
1945 statewide verification system; enforcement.--

1946 (9)

1947 (b) If the respondent is arrested by a law enforcement
1948 officer under s. 901.15(6) for committing an act of repeat
1949 violence, sexual violence, or dating violence in violation of an
1950 injunction for protection, the respondent shall be held in
1951 custody until brought before the court as expeditiously as
1952 possible for the purpose of enforcing the injunction and for
1953 admittance to bail in accordance with chapter 903 ~~and the~~
1954 ~~applicable rules of criminal procedure~~, pending a hearing.

1955 Section 77. Subsection (4) of section 790.157, Florida
1956 Statutes, is amended to read:

1957 790.157 Presumption of impairment; testing methods.--

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1958 ~~(4) Any person charged with using a firearm while under the~~
1959 ~~influence of alcoholic beverages or controlled substances to the~~
1960 ~~extent that his or her normal faculties were impaired, whether in~~
1961 ~~a municipality or not, shall be entitled to trial by jury~~
1962 ~~according to the Florida Rules of Criminal Procedure.~~

1963 Section 78. Paragraph (h) of subsection (8) of section
1964 896.101, Florida Statutes, is amended to read:

1965 896.101 Florida Money Laundering Act; definitions;
1966 penalties; injunctions; seizure warrants; immunity.--

1967 (8)

1968 (h) Only the lawful owner or the account holder of the
1969 monetary instruments or funds being enjoined may request a
1970 hearing to contest the order entered pursuant to this section by
1971 petitioning the court that issued the order. A hearing must be
1972 held within 3 days after the request or as soon as practicable
1973 thereafter and before the expiration of the temporary order. The
1974 hearing must be set and noticed by the lawful owner of the
1975 monetary instruments or funds or his or her attorney. Notice of
1976 the hearing must be provided to the petitioner who procured the
1977 temporary injunction ~~pursuant to the Florida Rules of Civil~~
1978 ~~Procedure~~ but not less than 24 hours before the scheduled
1979 hearing. The court may receive and consider at a hearing held
1980 pursuant to this subsection, 7 evidence and information that would
1981 be inadmissible under the Florida Rules of Evidence. A proceeding
1982 under this subsection is governed by the Florida Rules of Civil
1983 Procedure.

1984 Section 79. Subsection (2) of section 916.13, Florida
1985 Statutes, is amended to read:

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1986 916.13 Involuntary commitment of defendant adjudicated
1987 incompetent.--

1988 (2) A defendant who has been charged with a felony and who
1989 has been adjudicated incompetent to proceed due to mental
1990 illness, and who meets the criteria for involuntary commitment to
1991 the department under the provisions of this chapter, may be
1992 committed to the department, and the department shall retain and
1993 treat the defendant. No later than 6 months after the date of
1994 admission and at the end of any period of extended commitment, or
1995 at any time the administrator or designee shall have determined
1996 that the defendant has regained competency to proceed or no
1997 longer meets the criteria for continued commitment, the
1998 administrator or designee shall file a report with the court
1999 ~~pursuant to the applicable Florida Rules of Criminal Procedure.~~

2000 Section 80. Subsection of section 916.15, Florida Statutes,
2001 are amended to read:

2002 916.15 Involuntary commitment of defendant adjudicated not
2003 guilty by reason of insanity.--

2004 (3) Every defendant acquitted of criminal charges by reason
2005 of insanity and found to meet the criteria for involuntary
2006 commitment may be committed and treated in accordance with the
2007 provisions of this section and the applicable Florida Rules of
2008 Criminal Procedure. The department shall admit a defendant so
2009 adjudicated to an appropriate facility or program for treatment
2010 and shall retain and treat such defendant. No later than 6 months
2011 after the date of admission, prior to the end of any period of
2012 extended commitment, or at any time the administrator or designee
2013 shall have determined that the defendant no longer meets the
2014 criteria for continued commitment placement, the administrator or

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2015 | designee shall file a report with the court ~~pursuant to the~~
2016 | ~~applicable Florida Rules of Criminal Procedure.~~

2017 | Section 81. Paragraph (a) of subsection (2) of section
2018 | 916.302, Florida Statutes, is amended to read:

2019 | 916.302 Involuntary commitment of defendant determined to
2020 | be incompetent to proceed.--

2021 | (2) ADMISSION TO A FACILITY.--

2022 | (a) A defendant who has been charged with a felony and who
2023 | is found to be incompetent to proceed due to retardation or
2024 | autism, and who meets the criteria for involuntary commitment to
2025 | the agency under the provisions of this chapter, shall be
2026 | committed to the agency, and the agency shall retain and provide
2027 | appropriate training for the defendant. No later than 6 months
2028 | after the date of admission or at the end of any period of
2029 | extended commitment or at any time the administrator or designee
2030 | shall have determined that the defendant has regained competency
2031 | to proceed or no longer meets the criteria for continued
2032 | commitment, the administrator or designee shall file a report
2033 | with the court pursuant to this chapter ~~and the applicable~~
2034 | ~~Florida Rules of Criminal Procedure.~~

2035 | Section 82. Paragraph (g) of subsection (1) of section
2036 | 924.07, Florida Statutes, is amended to read:

2037 | 924.07 Appeal by state.--

2038 | (1) The state may appeal from:

2039 | (g) An order adjudicating a defendant insane ~~under the~~
2040 | ~~Florida Rules of Criminal Procedure.~~

2041 | Section 83. Paragraph (a) of subsection (6) of section
2042 | 932.704, Florida Statutes, is amended to read:

2043 | 932.704 Forfeiture proceedings.--

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2044 (6) (a) If the property is required by law to be titled or
2045 registered, or if the owner of the property is known in fact to
2046 the seizing agency, or if the seized property is subject to a
2047 perfected security interest in accordance with the Uniform
2048 Commercial Code, chapter 679, the attorney for the seizing agency
2049 shall serve the forfeiture complaint ~~as an original service of~~
2050 ~~process under the Florida Rules of Civil Procedure and other~~
2051 ~~applicable law~~ to each person having an ownership or security
2052 interest in the property. The seizing agency shall also publish,
2053 in accordance with chapter 50, notice of the forfeiture complaint
2054 once each week for 2 consecutive weeks in a newspaper of general
2055 circulation, as defined in s. 165.031, in the county where the
2056 seizure occurred.

2057 Section 84. Paragraph (d) of subsection (12) of section
2058 984.03, Florida Statutes, is amended to read:

2059 984.03 Definitions.--When used in this chapter, the term:

2060 (12) "Child who is found to be dependent" or "dependent
2061 child" means a child who, pursuant to this chapter, is found by
2062 the court:

2063 (d) To have been voluntarily placed with a licensed child-
2064 placing agency for the purposes of subsequent adoption and a
2065 natural parent or parents have consented to termination of
2066 parental rights ~~signed a consent pursuant to the Florida Rules of~~
2067 ~~Juvenile Procedure.~~

2068 Section 85. Subsection (6) of section 984.04, Florida
2069 Statutes, is amended to read:

2070 984.04 Families in need of services and children in need of
2071 services; procedures and jurisdiction.--

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2072 ~~(6) All procedures, including petitions, pleadings,~~
2073 ~~subpoenas, summonses, and hearings, in family-in-need-of-services~~
2074 ~~eases and child-in-need-of-services cases shall be according to~~
2075 ~~the Florida Rules of Juvenile Procedure unless otherwise provided~~
2076 ~~by law.~~

2077 Section 86. Subsection (13) of section 984.19, Florida
2078 Statutes, is amended to read:

2079 984.19 Medical screening and treatment of child;
2080 examination of parent, guardian, or person requesting custody.--

2081 (13) At any time after the filing of a petition for a child
2082 in need of services, when the mental or physical condition,
2083 including the blood group, of a parent, guardian, or other person
2084 requesting custody of a child is in controversy, the court may
2085 order the person to submit to a physical or mental examination by
2086 a qualified professional. The order may be made only upon good
2087 cause shown and pursuant to notice ~~and procedures as set forth by~~
2088 ~~the Florida Rules of Juvenile Procedure.~~

2089 Section 87. Paragraphs (a) and (b) of subsection (1) and
2090 paragraphs (a) and (b) of subsection (2) of section 984.20,
2091 Florida Statutes, are amended to read:

2092 984.20 Hearings for child-in-need-of-services cases.--

2093 (1) ARRAIGNMENT HEARING.--

2094 (a) When a child has been taken into custody by order of
2095 the court, an arraignment hearing shall be held within 7 days
2096 after the date the child is taken into custody. The hearing shall
2097 be held for the child and the parent, guardian, or custodian to
2098 admit, deny, or consent to findings that a child is in need of
2099 services as alleged in the petition. If the child and the parent,
2100 guardian, or custodian admit or consent to the findings in the

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2101 petition, the court shall proceed ~~as set forth in the Florida~~
2102 ~~Rules of Juvenile Procedure~~. However, if either the child or the
2103 parent, guardian, or custodian denies any of the allegations of
2104 the petition, the court shall hold an adjudicatory hearing within
2105 7 days after the date of the arraignment hearing.

2106 (b) When a child is in the custody of the parent, guardian,
2107 or custodian, upon the filing of a petition, the clerk shall set
2108 a date for an arraignment hearing within a reasonable time from
2109 the date of the filing of the petition. If the child and the
2110 parent, guardian, or custodian admit or consent to an
2111 adjudication, the court shall proceed ~~as set forth in the Florida~~
2112 ~~Rules of Juvenile Procedure~~. However, if either the child or the
2113 parent, guardian, or custodian denies any of the allegations of
2114 child in need of services, the court shall hold an adjudicatory
2115 hearing within a reasonable time from the date of the arraignment
2116 hearing.

2117 (2) ADJUDICATORY HEARING.--

2118 (a) The adjudicatory hearing shall be held as soon as
2119 practicable after the petition for a child in need of services is
2120 filed ~~and in accordance with the Florida Rules of Juvenile~~
2121 ~~Procedure~~, but reasonable delay for the purpose of investigation,
2122 discovery, or procuring counsel or witnesses shall, whenever
2123 practicable, be granted. If the child is in custody, the
2124 adjudicatory hearing shall be held within 14 days after the date
2125 the child was taken into custody.

2126 (b) Adjudicatory hearings shall be conducted by the judge
2127 without a jury, ~~applying the rules of evidence in use in civil~~
2128 ~~cases and adjourning the hearings from time to time as necessary~~.
2129 In a hearing on a petition in which it is alleged that the child

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2130 is a child in need of services, a preponderance of evidence shall
2131 be required to establish that the child is in need of services.

2132 Section 88. Paragraph (e) of subsection (4) and paragraph
2133 (d) of subsection (6) of section 985.19, Florida Statutes, are
2134 amended to read:

2135 985.19 Incompetency in juvenile delinquency cases.--

2136 (4) A child who is determined to have mental illness,
2137 mental retardation, or autism, who has been adjudicated
2138 incompetent to proceed, and who meets the criteria set forth in
2139 subsection (3), must be committed to the Department of Children
2140 and Family Services and receive treatment or training in a secure
2141 facility or program that is the least restrictive alternative
2142 consistent with public safety. Any placement of a child to a
2143 secure residential program must be separate from adult forensic
2144 programs. If the child attains competency, then custody, case
2145 management, and supervision of the child will be transferred to
2146 the department in order to continue delinquency proceedings;
2147 however, the court retains authority to order the Department of
2148 Children and Family Services to provide continued treatment or
2149 training to maintain competency.

2150 (e) The service provider must file a written report with
2151 the court ~~pursuant to the applicable Florida Rules of Juvenile~~
2152 ~~Procedure~~ not later than 6 months after the date of commitment,
2153 or at the end of any period of extended treatment or training,
2154 and at any time the Department of Children and Family Services,
2155 through its service provider determines the child has attained
2156 competency or no longer meets the criteria for secure placement,
2157 or at such shorter intervals as ordered by the court. A copy of a
2158 written report evaluating the child's competency must be filed by

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2159 | the provider with the court and with the state attorney, the
2160 | child's attorney, the department, and the Department of Children
2161 | and Family Services.

2162 | (6)

2163 | (d) The service provider must file a written report with
2164 | the court ~~pursuant to the applicable Florida Rules of Juvenile~~
2165 | ~~Procedure~~, not later than 6 months after the date of commitment,
2166 | at the end of any period of extended treatment or training, and
2167 | at any time the service provider determines the child has
2168 | attained competency or will never attain competency, or at such
2169 | shorter intervals as ordered by the court. A copy of a written
2170 | report evaluating the child's competency must be filed by the
2171 | provider with the court, the state attorney, the child's
2172 | attorney, the Department of Children and Family Services, and the
2173 | department.

2174 | Section 89. Paragraph (g) of subsection (1) of section
2175 | 985.255, Florida Statutes, is amended to read:

2176 | 985.255 Detention criteria; detention hearing.--

2177 | (1) Subject to s. 985.25(1), a child taken into custody and
2178 | placed into nonsecure or home detention care or detained in
2179 | secure detention care prior to a detention hearing may continue
2180 | to be detained by the court if:

2181 | (g) The child is charged with any second degree or third
2182 | degree felony involving a violation of chapter 893 or any third
2183 | degree felony that is not also a crime of violence, and the
2184 | child:

2185 | 1. Has a record of failure to appear at court hearings
2186 | after being properly notified ~~in accordance with the Rules of~~
2187 | ~~Juvenile Procedure~~;

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2188 2. Has a record of law violations prior to court hearings;

2189 3. Has already been detained or has been released and is
2190 awaiting final disposition of the case;

2191 4. Has a record of violent conduct resulting in physical
2192 injury to others; or

2193 5. Is found to have been in possession of a firearm.

2194 Section 90. Subsection (6) of section 985.26, Florida
2195 Statutes, is amended to read:

2196 985.26 Length of detention.--

2197 (6) If a child is detained and a petition for delinquency
2198 is filed, the child shall be arraigned ~~in accordance with the~~
2199 ~~Florida Rules of Juvenile Procedure~~ within 48 hours after the
2200 filing of the petition for delinquency.

2201 Section 91. Subsection (1) of section 985.35, Florida
2202 Statutes, is amended to read:

2203 985.35 Adjudicatory hearings; withheld adjudications;
2204 orders of adjudication.--

2205 (1) The adjudicatory hearing must be held as soon as
2206 practicable after the petition alleging that a child has
2207 committed a delinquent act or violation of law is filed ~~and in~~
2208 ~~accordance with the Florida Rules of Juvenile Procedure~~; but
2209 reasonable delay for the purpose of investigation, discovery, or
2210 procuring counsel or witnesses shall be granted. If the child is
2211 being detained, the time limitations in s. 985.26(2) and (3)
2212 apply.

2213 Section 92. Paragraph (b) of subsection (1) of section
2214 985.534, Florida Statutes, is amended to read:

2215 985.534 Appeal.--

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2216 (1) An appeal from an order of the court affecting a party
2217 to a case involving a child under this chapter may be taken to
2218 the appropriate district court of appeal within the time and in
2219 the manner prescribed by s. 924.051 and the Florida Rules of
2220 Appellate Procedure by:

2221 (b) The state, which may appeal from:

- 2222 1. An order dismissing a petition or any section thereof;
- 2223 2. An order granting a new adjudicatory hearing;
- 2224 3. An order arresting judgment;
- 2225 4. A ruling on a question of law when the child is
2226 adjudicated delinquent and appeals from the judgment;
- 2227 5. The disposition, on the ground that it is illegal;
- 2228 6. A judgment discharging a child on habeas corpus;
- 2229 7. An order adjudicating a child insane ~~under the Florida~~
2230 ~~Rules of Juvenile Procedure~~; and
- 2231 8. All other preadjudicatory hearings, except that the
2232 state may not take more than one appeal under this subsection in
2233 any case.

2234
2235 In the case of an appeal by the state, the notice of appeal shall
2236 be filed by the appropriate state attorney or his or her
2237 authorized assistant under s. 27.18. Such an appeal shall embody
2238 all assignments of error in each preadjudicatory hearing order
2239 that the state seeks to have reviewed. The state shall pay all
2240 costs of the appeal except for the child's attorney's fee.

2241 Section 93. This act shall take effect July 1, 2008.