

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  
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 certain court rules  
44 | relating to enforcement of income deduction orders;  
45 | amending s. 61.14, F.S.; removing a specific reference to  
46 | a 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 in contempt proceedings;  
50 | amending s. 63.087, F.S.; removing specific reference to  
51 | court rules relating to proceedings for termination of  
52 | parental rights pending adoption; amending s. 63.122,  
53 | F.S.; removing a reference to the court rule relating to  
54 | the notice of hearing on a petition; amending s. 68.083,  
55 | F.S.; removing reference to the court rules relating to  
56 | civil actions for false claims; amending s. 83.231, F.S.;

57 removing a reference to court rules relating to the  
58 removal of a tenant; amending s. 83.625, F.S.; removing a  
59 reference to court rules relating to the power to enter  
60 money judgments in an action by a landlord; amending s.  
61 222.30, F.S.; removing a reference to court rules relating  
62 to fraudulent asset conversions; amending s. 255.071,  
63 F.S.; removing a reference to court rules relating to  
64 payment of subcontractors for public projects; amending  
65 ss. 316.1934 and 327.354, F.S.; removing references to  
66 court rules relating to presumption of impairment;  
67 amending s. 364.183, F.S.; removing reference to a  
68 specific court rule relating to access to company records;  
69 amending s. 366.093, F.S.; removing reference to a  
70 specific court rule relating to public utility records;  
71 amending s. 367.156, F.S.; removing reference to a  
72 specific court rule relating to discovery in public  
73 utility records; amending s. 368.108, F.S.; removing  
74 reference to a specific court rule relating to  
75 confidentiality; amending s. 392.60, F.S.; removing a  
76 reference to court rules relating to the right of appeal;  
77 amending s. 393.11, F.S.; removing a reference to court  
78 rules regarding the appeal of involuntary admission to  
79 residential services; amending s. 393.12, F.S.; removing  
80 references to court rules regarding determination of  
81 capacity; amending s. 400.0233, F.S.; providing a  
82 reference to a specific chapter of court rules relating to  
83 informal discovery and used to obtain unsworn statements;  
84 revising provisions relating to informal discovery used to

85 obtain unsworn statements; amending s. 400.0237, F.S.;

86 removing a reference to court rules on how to amend claims

87 relating to punitive damages; amending s. 409.2563, F.S.;

88 removing a reference to court rule relating to the

89 administrative establishment of child support obligations;

90 amending s. 409.257, F.S.; removing a reference to certain

91 court rules regarding service of process; amending s.

92 415.1045, F.S.; removing specific reference to a court

93 rule relating to medical examinations; amending s.

94 415.1051, F.S.; removing specific reference to a court

95 rule relating to emergency protective services

96 intervention; amending s. 429.293, F.S.; providing a

97 reference to a specific chapter of court rules relating to

98 informal discovery; revising provisions relating to

99 informal discovery used to obtain unsworn statements;

100 amending s. 440.31, F.S.; removing specific reference to a

101 court rule relating to the definition of expert witnesses;

102 defining the term "expert witness"; amending s. 447.507,

103 F.S.; removing reference to court rules relating to

104 violation of a strike prohibition; amending s. 448.110,

105 F.S.; removing reference to a specific court rule relating

106 to state minimum wage and annual wage adjustment; amending

107 s. 456.057, F.S.; removing reference to a specific court

108 rule relating to the furnishing of patient records;

109 amending s. 518.112, F.S.; removing a reference to court

110 rules relating to delegation of investment functions;

111 amending s. 552.40, F.S.; removing specific reference to a

112 court rule relating to an administrative remedy for

113 |       alleged damage due to the use of explosives in mining;  
114 |       amending ss. 607.0505 and 617.0503, F.S.; removing  
115 |       reference to court rules relating to registered agents of  
116 |       corporations; amending s. 655.059, F.S.; removing a  
117 |       reference to court rules relating to access to books;  
118 |       amending s. 713.346, F.S.; removing a reference to bond  
119 |       requirements in court rules relating to payment on  
120 |       construction contracts; amending s. 718.1255, F.S.;  
121 |       removing a reference to court rules relating to mandatory  
122 |       nonbinding arbitration and mediation of disputes;  
123 |       providing a reference to a specific chapter relating to  
124 |       mandatory nonbinding arbitration and mediation of  
125 |       disputes; amending s. 720.311, F.S.; removing a reference  
126 |       to court rules relating to dispute resolution; providing  
127 |       reference to a specific chapter relating to dispute  
128 |       resolution; amending s. 723.0381, F.S.; removing a  
129 |       reference to court rules relating to civil arbitration  
130 |       actions; amending s. 726.108, F.S.; removing a reference  
131 |       to court rules relating to remedies of creditors; amending  
132 |       s. 727.104, F.S.; removing a reference to court rules  
133 |       relating to commencement of proceedings; amending s.  
134 |       731.011, F.S.; removing a reference to court rules  
135 |       relating to determination and procedure of substantive  
136 |       rights; amending s. 732.107, F.S.; removing a reference to  
137 |       court rules relating to escheat; amending s. 733.101,  
138 |       F.S.; removing a reference to court rules relating to  
139 |       venue of probate proceedings; amending s. 733.212, F.S.;  
140 |       removing a reference to court rules relating to notice of

141 administration; amending s. 733.6171, F.S.; removing a  
142 reference to court rules relating to compensation of  
143 attorneys for the personal representative; amending s.  
144 733.705, F.S.; removing a reference to court rules  
145 relating to the payment of and objection to claims;  
146 amending s. 734.102, F.S.; removing a reference to court  
147 rules relating to ancillary administration; amending s.  
148 736.0109, F.S.; removing a reference to certain court  
149 rules relating to methods and waiver of notice; amending  
150 s. 738.104, F.S.; removing a reference to court rules  
151 relating to a trustee's power to adjust; providing for  
152 delivering or mailing a copy of the statement to the  
153 beneficiary relating to a trustee's power to adjust;  
154 amending s. 738.1041, F.S.; removing a reference to court  
155 rules relating to a total return unitrust; providing for  
156 delivering or mailing a copy of the statement to the  
157 beneficiary relating to total return unitrust; amending s.  
158 741.30, F.S.; removing a reference to certain court rules  
159 relating to injunctions for domestic violence; amending s.  
160 742.16, F.S.; removing a reference to certain court rules  
161 relating to expedited affirmation of parent status for  
162 gestational surrogacy; amending s. 742.18, F.S.; removing  
163 specific reference to a court rule relating to  
164 disestablishment of paternity or termination of a child  
165 support obligation; amending s. 744.3025, F.S.; removing a  
166 reference to court rules relating to claims of minors;  
167 amending s. 744.307, F.S.; removing a reference to court  
168 rules relating to foreign guardians; amending s. 744.447,

169 F.S.; removing a reference to court rules relating to a  
170 petition for authorization to act; amending s. 765.105,  
171 F.S.; removing specific reference to a court rule relating  
172 to the review of a decision by a surrogate or proxy;  
173 amending s. 765.113, F.S.; removing specific reference to  
174 a court rule relating to restrictions on providing  
175 consent; amending s. 768.81, F.S.; removing a reference to  
176 certain court rules relating to apportionment of damages  
177 in comparative fault; amending s. 784.046, F.S.; removing  
178 a reference to court rules relating to repeat violence,  
179 sexual violence, or dating violence; amending s. 790.157,  
180 F.S.; removing a reference to trial by jury in court rules  
181 relating to the presumption of impairment; amending s.  
182 896.101, F.S.; removing a reference to court rules  
183 relating to the Florida Money Laundering Act; amending s.  
184 916.13, F.S.; removing a reference to court rules relating  
185 to involuntary commitment of a defendant who is  
186 adjudicated incompetent; amending s. 916.15, F.S.;  
187 removing a reference to court rules relating to  
188 involuntary commitment of a defendant who is adjudicated  
189 not guilty by reason of insanity; amending s. 916.302,  
190 F.S.; removing a reference to court rules relating to  
191 involuntary commitment of a defendant who is determined  
192 incompetent to proceed; amending s. 924.07, F.S.; removing  
193 a reference to court rules relating to appeals by the  
194 state; amending s. 932.704, F.S.; removing a reference to  
195 court rules relating to forfeiture proceedings; amending  
196 s. 984.03, F.S.; removing a reference to court rules

197 relating to the definition of a dependent child;  
 198 redefining the term "dependent child"; amending s. 984.04,  
 199 F.S.; removing a reference to court rules relating to  
 200 families and children in need of services; amending s.  
 201 984.19, F.S.; removing a reference to court rules relating  
 202 to medical screening and treatment regarding custody;  
 203 amending s. 984.20, F.S.; removing references to court  
 204 rules relating to hearings for child-in-need-of-services  
 205 cases; amending s. 985.19, F.S.; removing references to  
 206 court rules relating to incompetency in juvenile  
 207 delinquency cases; amending s. 985.255, F.S.; removing a  
 208 reference to court rules relating to detention criteria  
 209 and hearings; amending s. 985.26, F.S.; removing a  
 210 reference to court rules relating to length of detention;  
 211 amending s. 985.35, F.S.; removing a reference to court  
 212 rules relating to adjudicatory hearings; amending s.  
 213 985.534, F.S.; removing a reference to court rules  
 214 relating to appeals; providing an effective date.

215  
 216 Be It Enacted by the Legislature of the State of Florida:

217  
 218 Section 1. Paragraph (a) of subsection (5) of section  
 219 27.51, Florida Statutes, is amended to read:

220 27.51 Duties of public defender.--

221 (5) (a) When direct appellate proceedings prosecuted by a  
 222 public defender on behalf of an accused and challenging a  
 223 judgment of conviction and sentence of death terminate in an  
 224 affirmance of such conviction and sentence, whether by the



225 Florida Supreme Court or by the United States Supreme Court or  
 226 by expiration of any deadline for filing such appeal in a state  
 227 or federal court, the public defender shall notify the accused  
 228 of his or her rights to file a motion to vacate, set aside, or  
 229 correct sentence pursuant to court rule ~~3.850, Florida Rules of~~  
 230 ~~Criminal Procedure~~, including any time limits pertinent thereto,  
 231 and shall advise such person that representation in any  
 232 collateral proceedings is the responsibility of the capital  
 233 collateral regional counsel. The public defender shall then  
 234 forward all original files on the matter to the capital  
 235 collateral regional counsel, retaining such copies for his or  
 236 her files as may be desired. However, the trial court shall  
 237 retain the power to appoint the public defender or other  
 238 attorney not employed by the capital collateral regional counsel  
 239 to represent such person in proceedings for relief by executive  
 240 clemency pursuant to ss. 27.40 and 27.5303.

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

243 34.01 Jurisdiction of county court.--

244 (2) The county courts shall have jurisdiction previously  
 245 exercised by county judges' courts other than that vested in the  
 246 circuit court by s. 26.012, except that county court judges may  
 247 hear matters involving ~~dissolution of marriage under the~~  
 248 ~~simplified dissolution procedure pursuant to the Florida Family~~  
 249 ~~Law Rules of Procedure~~ or may issue a final order for  
 250 dissolution in cases where the matter is uncontested, and the  
 251 jurisdiction previously exercised by county courts, the claims  
 252 court, small claims courts, small claims magistrates courts,

253 magistrates courts, justice of the peace courts, municipal  
 254 courts, and courts of chartered counties, including but not  
 255 limited to the counties referred to in ss. 9, 10, 11, and 24,  
 256 Art. VIII of the State Constitution of 1885, as preserved by s.  
 257 (6) (e), Art. VIII of the State Constitution of 1968.

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

260 34.011 Jurisdiction in landlord and tenant cases.--

261 (2) The county court shall have exclusive jurisdiction of  
 262 proceedings relating to the right of possession of real property  
 263 and to the forcible or unlawful detention of lands and  
 264 tenements, except that the circuit court also has jurisdiction  
 265 if the amount in controversy exceeds the jurisdictional limits  
 266 of the county court or the circuit court otherwise has  
 267 jurisdiction as provided in s. 26.012. In cases transferred to  
 268 the circuit court ~~pursuant to Rule 1.170(j), Florida Rules of~~  
 269 ~~Civil Procedure, or Rule 7.100(d), Florida Small Claims Rules,~~  
 270 the demands of all parties shall be resolved by the circuit  
 271 court.

272 Section 4. Paragraph (d) of subsection (14) of section  
 273 39.01, Florida Statutes, is amended to read:

274 39.01 Definitions.--When used in this chapter, unless the  
 275 context otherwise requires:

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

278 (d) To have been voluntarily placed with a licensed child-  
 279 placing agency for the purposes of subsequent adoption, and a  
 280 parent or parents have signed a consent to termination of

281 parental rights ~~pursuant to the Florida Rules of Juvenile~~  
 282 ~~Procedure;~~

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

285 39.4086 Pilot program for attorneys ad litem for dependent  
 286 children.--

287 ~~(3) STANDARDS. The Supreme Court is requested, by October~~  
 288 ~~1, 2000, to adopt rules of juvenile procedure which include the~~  
 289 ~~duties, responsibilities, and conduct of an attorney ad litem.~~  
 290 ~~The Office of the State Courts Administrator, in consultation~~  
 291 ~~with the Dependency Court Improvement Committee of the Supreme~~  
 292 ~~Court, shall develop implementation guidelines for the attorney~~  
 293 ~~ad litem pilot program.~~

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

296 39.504 Injunction pending disposition of petition;  
 297 penalty.--

298 (2) Notice shall be provided to the parties as required by  
 299 court rule ~~set forth in the Florida Rules of Juvenile Procedure,~~  
 300 unless the child is reported to be in imminent danger, in which  
 301 case the court may issue an injunction immediately. A judge may  
 302 issue an emergency injunction pursuant to this section without  
 303 notice at times when the court is closed for the transaction of  
 304 judicial business. When such an immediate injunction is issued,  
 305 the court shall hold a hearing on the next day of judicial  
 306 business either to dissolve the injunction or to continue or  
 307 modify it in accordance with the other provisions of this  
 308 section.

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

311 39.507 Adjudicatory hearings; orders of adjudication.--

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

316 (2) All hearings, except as provided in this section,  
 317 shall be open to the public, and a person may not be excluded  
 318 except on special order of the judge, who may close any hearing  
 319 to the public upon determining that the public interest or the  
 320 welfare of the child is best served by so doing. The parents or  
 321 legal custodians shall be allowed to obtain discovery pursuant  
 322 to court rule ~~the Florida Rules of Juvenile Procedure~~, provided  
 323 such discovery does not violate the provisions of s. 39.202.

324 Hearings involving more than one child may be held  
 325 simultaneously when the children involved are related to each  
 326 other or were involved in the same case. The child and the  
 327 parents, caregivers, or legal custodians of the child may be  
 328 examined separately and apart from each other.

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

331 39.603 Court approvals of case planning.--

332 (1) All case plans and amendments to case plans must be  
 333 approved by the court. At the hearing on the case plan, which  
 334 shall occur in conjunction with the disposition hearing unless  
 335 otherwise directed by the court, the court shall determine:

336 (a) All parties who were notified and are in attendance at

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337 the hearing, either in person or through a legal representative.  
338 The court may appoint a guardian ad litem ~~under Rule 1.210,~~  
339 ~~Florida Rules of Civil Procedure~~, to represent the interests of  
340 any parent, if the location of the parent is known but the  
341 parent is not present at the hearing and the development of the  
342 plan is based upon the physical, emotional, or mental condition  
343 or physical location of the parent.

344 (d) In involuntary placements, whether each parent was  
345 notified of the right to counsel at each stage of the dependency  
346 proceedings, ~~in accordance with the Florida Rules of Juvenile~~  
347 ~~Procedure~~.

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

350 39.701 Judicial review.--

351 (2)

352 (b) Citizen review panels may conduct hearings to review  
353 the status of a child. The court shall select the cases  
354 appropriate for referral to the citizen review panels and may  
355 order the attendance of the parties at the review panel  
356 hearings. However, any party may object to the referral of a  
357 case to a citizen review panel. Whenever such an objection has  
358 been filed with the court, the court shall review the substance  
359 of the objection and may conduct the review itself or refer the  
360 review to a citizen review panel. All parties retain the right  
361 to take exception to the findings or recommended orders of a  
362 citizen review panel ~~in accordance with Rule 1.490(h), Florida~~  
363 ~~Rules of Civil Procedure~~.

364 (c) Notice of a hearing by a citizen review panel must be

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365 provided as set forth in subsection (5). At the conclusion of a  
366 citizen review panel hearing, each party may propose a  
367 recommended order to the chairperson of the panel. Thereafter,  
368 the citizen review panel shall submit its report, copies of the  
369 proposed recommended orders, and a copy of the panel's  
370 recommended order to the court. The citizen review panel's  
371 recommended order must be limited to the dispositional options  
372 available to the court in subsection (9). Each party may file  
373 exceptions to the report and recommended order of the citizen  
374 review panel ~~in accordance with Rule 1.490, Florida Rules of~~  
375 ~~Civil Procedure.~~

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

378 39.801 Procedures and jurisdiction; notice; service of  
379 process.--

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

383 ~~(b) If a party required to be served with notice as~~  
384 ~~prescribed in paragraph (a) cannot be served, notice of hearings~~  
385 ~~must be given as prescribed by the rules of civil procedure, and~~  
386 ~~service of process must be made as specified by law or civil~~  
387 ~~actions.~~

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

393 of the child to a licensed child-placing agency or the  
 394 department.

395 (c)~~(d)~~ If the person served with notice under this section  
 396 fails to personally appear at the advisory hearing, the failure  
 397 to personally appear shall constitute consent for termination of  
 398 parental rights by the person given notice. If a parent appears  
 399 for the advisory hearing and the court orders that parent to  
 400 personally appear at the adjudicatory hearing for the petition  
 401 for termination of parental rights, stating the date, time, and  
 402 location of said hearing, then failure of that parent to  
 403 personally appear at the adjudicatory hearing shall constitute  
 404 consent for termination of parental rights.

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

407 39.802 Petition for termination of parental rights;  
 408 filing; elements.--

409 ~~(2) The form of the petition is governed by the Florida~~  
 410 ~~Rules of Juvenile Procedure.~~ The petition must be in writing and  
 411 signed by the petitioner or, if the department is the  
 412 petitioner, by an employee of the department, under oath stating  
 413 the petitioner's good faith in filing the petition.

414 Section 12. Paragraph (d) of subsection (2) of section  
 415 39.807, Florida Statutes, is amended to read:

416 39.807 Right to counsel; guardian ad litem.--

417 (2)

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

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

423 39.824 Procedures and jurisdiction.--

424 ~~(1) The Supreme Court is requested to adopt rules of~~  
 425 ~~juvenile procedure by October 1, 1989, to implement this part.~~

426 All procedures, including petitions, pleadings, subpoenas,  
 427 summonses, and hearings in cases for the appointment of a  
 428 guardian advocate shall be according to the Florida Rules of  
 429 Juvenile Procedure unless otherwise provided by law.

430 Section 14. Section 39.825, Florida Statutes, is amended  
 431 to read:

432 39.825 Petition for appointment of a guardian advocate.--A  
 433 petition for appointment of a guardian advocate may be filed by  
 434 the department, any relative of the child, any licensed health  
 435 care professional, or any other interested person. The petition  
 436 shall be in writing and shall be signed by the petitioner under  
 437 oath stating his or her good faith in filing the petition. ~~The~~  
 438 ~~form of the petition and its contents shall be determined by the~~  
 439 ~~Florida Rules of Juvenile Procedure.~~

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

442 48.27 Certified process servers.--

443 (3) Nothing herein shall be interpreted to exclude a  
 444 sheriff or deputy or other person appointed by the sheriff  
 445 pursuant to s. 48.021 from serving process or to exclude a  
 446 person from appointment by individual motion and order to serve  
 447 process in any civil action ~~in accordance with Rule 1.070(b) of~~  
 448 ~~the Florida Rules of Civil Procedure.~~



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

451 55.503 Recording and status of foreign judgments; fees.--

452 (1) A copy of any foreign judgment certified in accordance  
 453 with the laws of the United States or of this state may be  
 454 recorded in the office of the clerk of the circuit court of any  
 455 county. The clerk shall file, record, and index the foreign  
 456 judgment in the same manner as a judgment of a circuit or county  
 457 court of this state. A judgment so recorded shall have the same  
 458 effect and shall be subject to the same rules of ~~civil~~  
 459 procedure, legal and equitable defenses, and proceedings for  
 460 reopening, vacating, or staying judgments, and it may be  
 461 enforced, released, or satisfied, as a judgment of a circuit or  
 462 county court of this state.

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

465 56.29 Proceedings supplementary.--

466 (3) The order shall be served in a reasonable time before  
 467 the date of the examination in the manner provided for ~~service~~  
 468 ~~of summons or may be served on such defendant or his or her~~  
 469 ~~attorney as provided for service of papers~~ in the rules of ~~civil~~  
 470 procedure.

471 Section 18. Paragraph (b) of subsection (2) of section  
 472 61.1301, Florida Statutes, is amended to read:

473 61.1301 Income deduction orders.--

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

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

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

479 2. Service upon an obligor's payor or successor payor  
480 under this section shall be made by prepaid certified mail,  
481 return receipt requested, or in the manner prescribed in chapter  
482 48.

483 Section 19. Paragraph (a) of subsection (6) of section  
484 61.14, Florida Statutes, is amended to read:

485 61.14 Enforcement and modification of support,  
486 maintenance, or alimony agreements or orders.--

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

501 2. A certified statement by the local depository  
502 evidencing a delinquency in support payments constitute evidence  
503 of the final judgment under this paragraph.

504 3. The judgment under this paragraph is a final judgment

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505 as to any unpaid payment or installment of support which has  
 506 accrued up to the time either party files a motion with the  
 507 court to alter or modify the support order, and such judgment  
 508 may not be modified by the court. The court may modify such  
 509 judgment as to any unpaid payment or installment of support  
 510 which accrues after the date of the filing of the motion to  
 511 alter or modify the support order. This subparagraph does not  
 512 prohibit the court from providing relief from the judgment  
 513 pursuant to court rule ~~1.540, Florida Rules of Civil Procedure.~~

514 Section 20. Subsection (2) of section 61.16, Florida  
 515 Statutes, is amended to read:

516 61.16 Attorney's fees, suit money, and costs.--

517 (2) In an action for contempt ~~brought pursuant to Rule~~  
 518 ~~3.840, Florida Rules of Criminal Procedure,~~ whether denominated  
 519 direct or indirect criminal contempt, the court shall have  
 520 authority to:

521 (a) Appoint an attorney to prosecute said contempt.

522 (b) Assess attorney's fees and costs against the  
 523 contemtor after the court makes a determination of the  
 524 contemtor's ability to pay such costs and fees.

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

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

529 63.087 Proceeding to terminate parental rights pending  
 530 adoption; general provisions.--

531 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a  
 532 summons to be issued ~~substantially in the form provided in Form~~

533 ~~1.902, Florida Rules of Civil Procedure.~~ The petition and  
 534 summons shall be served upon any person whose consent has been  
 535 provided but who has not waived service of the pleadings and  
 536 notice of the hearing thereon and also upon any person whose  
 537 consent is required but who has not provided that consent.

538 (6) ANSWER REQUIRED.--An answer to the petition or any  
 539 pleading requiring an answer shall be filed ~~in accordance with~~  
 540 ~~the Florida Rules of Civil Procedure.~~ Failure to file a written  
 541 response or to appear at the hearing on the petition constitutes  
 542 grounds upon which the court may terminate parental rights. The  
 543 petitioner shall provide notice of the final hearing by United  
 544 States mail to any person who has been served with the summons  
 545 and petition for termination of parental rights within the  
 546 specified time periods. Notwithstanding the filing of any answer  
 547 or any pleading, any person present at the hearing to terminate  
 548 parental rights pending adoption whose consent to adoption is  
 549 required under s. 63.062 must:

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

553 (b) Be given an opportunity to deny the allegations in the  
 554 petition.

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

557 63.122 Notice of hearing on petition.--

558 (2) Notice of hearing ~~must be given as prescribed by the~~  
 559 ~~Florida Rules of Civil Procedure,~~ and service of process must be  
 560 made as required by court rule ~~specified by law for civil~~

561 ~~actions.~~

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

564 68.083 Civil actions for false claims.--

565 (2) A person may bring a civil action for a violation of  
566 s. 68.082 for the person and for the affected agency. Civil  
567 actions instituted under this act ~~shall be governed by the~~  
568 ~~Florida Rules of Civil Procedure and~~ shall be brought in the  
569 name of the State of Florida. Prior to the court unsealing the  
570 complaint under subsection (3), the action may be voluntarily  
571 dismissed by the person bringing the action only if the  
572 department gives written consent to the dismissal and its  
573 reasons for such consent.

574 Section 24. Section 83.231, Florida Statutes, is amended  
575 to read:

576 83.231 Removal of tenant; judgment.--If the issues are  
577 found for plaintiff, judgment shall be entered that plaintiff  
578 recover possession of the premises. If the plaintiff expressly  
579 and specifically sought money damages in the complaint, in  
580 addition to awarding possession of the premises to the  
581 plaintiff, the court shall also direct, in an amount which is  
582 within its jurisdictional limitations, the entry of a money  
583 judgment in favor of the plaintiff and against the defendant for  
584 the amount of money found due, owing, and unpaid by the  
585 defendant, with costs. However, no money judgment shall be  
586 entered unless service of process has been effected by personal  
587 service or, where authorized by law, by certified or registered  
588 mail, return receipt, or in any other manner prescribed by law

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589 or the rules of the court, ~~and no money judgment may be entered~~  
590 ~~except in compliance with the Florida Rules of Civil Procedure.~~  
591 Where otherwise authorized by law, the plaintiff in the judgment  
592 for possession and money damages may also be awarded attorney's  
593 fees and costs. If the issues are found for defendant, judgment  
594 shall be entered dismissing the action.

595 Section 25. Section 83.625, Florida Statutes, is amended  
596 to read:

597 83.625 Power to award possession and enter money  
598 judgment.--In an action by the landlord for possession of a  
599 dwelling unit based upon nonpayment of rent, if the court finds  
600 the rent is due, owing, and unpaid and by reason thereof the  
601 landlord is entitled to possession of the premises, the court,  
602 in addition to awarding possession of the premises to the  
603 landlord, shall direct, in an amount which is within its  
604 jurisdictional limitations, the entry of a money judgment with  
605 costs in favor of the landlord and against the tenant for the  
606 amount of money found due, owing, and unpaid by the tenant to  
607 the landlord. However, no money judgment shall be entered unless  
608 service of process has been effected by personal service or,  
609 where authorized by law, by certified or registered mail, return  
610 receipt, or in any other manner prescribed by law or the rules  
611 of the court, ~~and no money judgment may be entered except in~~  
612 ~~compliance with the Florida Rules of Civil Procedure.~~ The  
613 prevailing party in the action may also be awarded attorney's  
614 fees and costs.

615 Section 26. Paragraph (c) of subsection (3) of section  
616 222.30, Florida Statutes, is amended to read:

617 222.30 Fraudulent asset conversions.--

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

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

622 1. An injunction against further conversion by the debtor  
623 of the asset or of other property.

624 2. Any other relief the circumstances may require.

625 Section 27. Paragraph (b) of subsection (4) of section  
626 255.071, Florida Statutes, is amended to read:

627 255.071 Payment of subcontractors, sub-subcontractors,  
628 materialmen, and suppliers on construction contracts for public  
629 projects.--

630 (4) After service of the complaint, the court shall  
631 conduct an evidentiary hearing on the complaint, upon not less  
632 than 15 days' written notice. The person providing labor,  
633 services, or materials is entitled to the following remedies to  
634 the extent of the undisputed amount due for labor or services  
635 performed or materials supplied, and upon proof of each  
636 allegation in the complaint:

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

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

642 316.1934 Presumption of impairment; testing methods.--

643 (4) Any person charged with a violation of s. 316.193,  
644 whether in a municipality or not, is entitled to trial by jury

645 ~~according to the Florida Rules of Criminal Procedure.~~

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

648 327.354 Presumption of impairment; testing methods.--

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

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

654 364.183 Access to company records.--

655 (2) Discovery in any docket or proceeding before the  
656 commission shall be in the manner provided for in ~~Rule 1.280 of~~  
657 the Florida Rules of Civil Procedure. Upon a showing by a  
658 company or other person and a finding by the commission that  
659 discovery will require the disclosure of proprietary  
660 confidential business information, the commission shall issue an  
661 appropriate protective order designating the manner for handling  
662 such information during the course of the proceeding and for  
663 protecting such information from disclosure outside the  
664 proceeding. Such proprietary confidential business information  
665 shall be exempt from s. 119.07(1). Any records provided pursuant  
666 to a discovery request for which proprietary confidential  
667 business information status is requested shall be treated by the  
668 commission and the Office of the Public Counsel and any other  
669 party subject to the public records law as confidential and  
670 shall be exempt from s. 119.07(1), pending a formal ruling on  
671 such request by the commission or the return of the records to  
672 the person providing the records. Any record which has been



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673 determined to be proprietary confidential business information  
 674 and is not entered into the official record of the proceeding  
 675 shall be returned to the person providing the record within 60  
 676 days after the final order, unless the final order is appealed.  
 677 If the final order is appealed, any such record shall be  
 678 returned within 30 days after the decision on appeal. The  
 679 commission shall adopt the necessary rules to implement this  
 680 subsection.

681 Section 31. Subsection (2) of section 366.093, Florida  
 682 Statutes, is amended to read:

683 366.093 Public utility records; confidentiality.--

684 (2) Discovery in any docket or proceeding before the  
 685 commission shall be in the manner provided for in ~~Rule 1.280 of~~  
 686 the Florida Rules of Civil Procedure. Information which affects  
 687 a utility's rates or cost of service shall be considered  
 688 relevant for purposes of discovery in any docket or proceeding  
 689 where the utility's rates or cost of service are at issue. The  
 690 commission shall determine whether information requested in  
 691 discovery affects a utility's rates or cost of service. Upon a  
 692 showing by a utility or other person and a finding by the  
 693 commission that discovery will require the disclosure of  
 694 proprietary confidential business information, the commission  
 695 shall issue appropriate protective orders designating the manner  
 696 for handling such information during the course of the  
 697 proceeding and for protecting such information from disclosure  
 698 outside the proceeding. Such proprietary confidential business  
 699 information shall be exempt from s. 119.07(1). Any records  
 700 provided pursuant to a discovery request for which proprietary

701 confidential business information status is requested shall be  
 702 treated by the commission and the office of the Public Counsel  
 703 and any other party subject to the public records law as  
 704 confidential and shall be exempt from s. 119.07(1), pending a  
 705 formal ruling on such request by the commission or the return of  
 706 the records to the person providing the records. Any record  
 707 which has been determined to be proprietary confidential  
 708 business information and is not entered into the official record  
 709 of the proceeding must be returned to the person providing the  
 710 record within 60 days after the final order, unless the final  
 711 order is appealed. If the final order is appealed, any such  
 712 record must be returned within 30 days after the decision on  
 713 appeal. The commission shall adopt the necessary rules to  
 714 implement this provision.

715 Section 32. Subsection (2) of section 367.156, Florida  
 716 Statutes, is amended to read:

717 367.156 Public utility records; confidentiality.--

718 (2) Discovery in any docket or proceeding before the  
 719 commission shall be in the manner provided for in ~~Rule 1.280 of~~  
 720 the Florida Rules of Civil Procedure. Information which affects  
 721 a utility's rates or cost of service shall be considered  
 722 relevant for purposes of discovery in any docket or proceeding  
 723 where the utility's rates or cost of service are at issue. The  
 724 commission shall determine whether information requested in  
 725 discovery affects a utility's rates or cost of service. Upon  
 726 showing by a utility or other person and a finding by the  
 727 commission that discovery will require the disclosure of  
 728 proprietary confidential business information, the commission

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729 shall issue appropriate protective orders designating the manner  
730 for handling such information during the course of the  
731 proceeding and for protecting such information from disclosure  
732 outside the proceeding. Such proprietary confidential business  
733 information shall be exempt from s. 119.07(1). Any records  
734 provided pursuant to a discovery request for which proprietary  
735 confidential business information status is requested shall be  
736 treated by the commission and the office of the Public Counsel  
737 and any other party subject to the public records act as  
738 confidential and shall be exempt from s. 119.07(1), pending a  
739 formal ruling on such request by the commission or the return of  
740 the records to the person providing the records. Any record  
741 which has been determined to be proprietary confidential  
742 business information and is not entered into the official record  
743 of the proceeding must be returned to the person providing the  
744 record within 60 days after the final order, unless the final  
745 order is appealed. If the final order is appealed, any such  
746 record must be returned within 30 days after the decision on  
747 appeal. The commission shall adopt the necessary rules to  
748 implement this provision.

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

751 368.108 Confidentiality; discovery.--

752 (2) Discovery in any docket or proceeding before the  
753 commission shall be in the manner provided for in ~~Rule 1.280~~ of  
754 the Florida Rules of Civil Procedure. Information which affects  
755 a natural gas transmission company's rates or cost of service  
756 shall be considered relevant for purposes of discovery in any

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757 docket or proceeding where the natural gas transmission  
758 company's rates or cost of service are at issue. The commission  
759 shall determine whether information requested in discovery  
760 affects a natural gas transmission company's rates or cost of  
761 service. Upon a showing by a natural gas transmission company or  
762 other person and a finding by the commission that discovery will  
763 require the disclosure of proprietary confidential business  
764 information, the commission shall issue appropriate protective  
765 orders designating the manner for handling such information  
766 during the course of the proceeding and for protecting such  
767 information from disclosure outside the proceeding. Such  
768 proprietary confidential business information shall be exempt  
769 from s. 119.07(1). Any records provided pursuant to a discovery  
770 request for which proprietary confidential business information  
771 status is requested shall be treated by the commission and the  
772 office of the Public Counsel and any other party subject to the  
773 public records law as confidential and shall be exempt from s.  
774 119.07(1) pending a formal ruling on such request by the  
775 commission or the return of the records to the person providing  
776 the records. Any record which has been determined to be  
777 proprietary confidential business information and is not entered  
778 into the official record of the proceeding must be returned to  
779 the person providing the record within 60 days after the final  
780 order, unless the final order is appealed. If the final order is  
781 appealed, any such record must be returned within 30 days after  
782 the decision on appeal. The commission shall adopt the necessary  
783 rules to implement this provision.

784 Section 34. Subsection (1) of section 392.60, Florida

785 Statutes, is amended to read:

786 392.60 Right of appeal; immediate release.--

787 (1) Any person who is aggrieved by the entry of an order  
 788 under s. 392.55, s. 392.56, or s. 392.57 may ~~shall have the~~  
 789 ~~period of time provided by the Florida Rules of Appellate~~  
 790 ~~Procedure within which to~~ appeal an order of ~~from~~ the circuit  
 791 court. Every order entered under the terms of s. 392.55, s.  
 792 392.56, or s. 392.57 shall be executed immediately unless the  
 793 court entering such order or the appellate court, in its  
 794 discretion, enters a supersedeas order and fixes the terms and  
 795 conditions thereof.

796 Section 35. Paragraph (a) of subsection (12) of section  
 797 393.11, Florida Statutes, is amended to read:

798 393.11 Involuntary admission to residential services.--

799 (12) APPEAL.--

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

804 Section 36. Paragraph (b) of subsection (1) of section  
 805 393.12, Florida Statutes, is amended to read:

806 393.12 Capacity; appointment of guardian advocate.--

807 (1) CAPACITY.--

808 (b) The issue of capacity of a person with developmental  
 809 disabilities shall be determined in a separate proceeding  
 810 according to the procedures and requirements of chapter 744 ~~and~~  
 811 ~~the Florida Probate Rules.~~

812 Section 37. Paragraph (a) of subsection (7) and

813 subsections (10) and (11) of section 400.0233, Florida Statutes,  
 814 are amended to read:

815 400.0233 Presuit notice; investigation; notification of  
 816 violation of resident's rights or alleged negligence; claims  
 817 evaluation procedure; informal discovery; review; settlement  
 818 offer; mediation.--

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

822 (a) Unsworn statements.--Any party may require other  
 823 parties to appear for the taking of an unsworn statement. Such  
 824 statements may be used only for the purpose of claims evaluation  
 825 and are not discoverable or admissible in any civil action for  
 826 any purpose by any party. A party seeking to take the unsworn  
 827 statement of any party must give reasonable notice in writing to  
 828 all parties. The notice must state the time and place for taking  
 829 the statement and the name and address of the party to be  
 830 examined. Unless otherwise impractical, the examination of any  
 831 party must be done at the same time by all other parties. Any  
 832 party may be represented by counsel at the taking of an unsworn  
 833 statement. An unsworn statement may be recorded electronically,  
 834 stenographically, or on videotape. The procedure for the taking  
 835 of an unsworn statement shall be as if the statement were an  
 836 unsworn statement as provided in statements is subject to the  
 837 provisions of the Florida Rules of Civil Procedure related to  
 838 medical malpractice presuit screening. The taking of the  
 839 statement ~~and~~ may be terminated for abuses.

840 (10) To the extent not inconsistent with this part, the

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841 provisions of chapter 44 and the ~~Florida Mediation Code~~, Florida  
 842 Rules of Civil Procedure~~,~~ shall be applicable to such  
 843 proceedings.

844 (11) Within 30 days after the claimant's receipt of the  
 845 defendant's response to the claim, the parties or their  
 846 designated representatives shall meet in mediation to discuss  
 847 the issues of liability and damages in accordance with chapter  
 848 44 and the mediation rules of practice and procedures adopted by  
 849 the Supreme Court and applicable to civil actions in circuit  
 850 court. Upon stipulation of the parties, this 30-day period may  
 851 be extended and the statute of limitations is tolled during the  
 852 mediation and any such extension. At the conclusion of  
 853 mediation, the claimant shall have 60 days or the remainder of  
 854 the period of the statute of limitations, whichever is greater,  
 855 within which to file suit.

856 Section 38. Subsection (1) of section 400.0237, Florida  
 857 Statutes, is amended to read:

858 400.0237 Punitive damages; pleading; burden of proof.--

859 (1) In any action for damages brought under this part, no  
 860 claim for punitive damages shall be permitted unless there is a  
 861 reasonable showing by evidence in the record or proffered by the  
 862 claimant which would provide a reasonable basis for recovery of  
 863 such damages. ~~The claimant may move to amend her or his~~  
 864 ~~complaint to assert a claim for punitive damages as allowed by~~  
 865 ~~the rules of civil procedure.~~ The rules of civil procedure shall  
 866 be liberally construed so as to allow the claimant discovery of  
 867 evidence which appears reasonably calculated to lead to  
 868 admissible evidence on the issue of punitive damages. No

869 discovery of financial worth shall proceed until after the  
 870 pleading concerning punitive damages is permitted.

871 Section 39. Paragraph (m) of subsection (4) of section  
 872 409.2563, Florida Statutes, is amended to read:

873 409.2563 Administrative establishment of child support  
 874 obligations.--

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

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

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

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

891 3. If the noncustodial parent submits the request  
 892 authorized in subparagraph 1., or the statement authorized in  
 893 subparagraph 2. to the department within 20 days after the  
 894 receipt of the initial notice, the department shall file a  
 895 petition in circuit court for the determination of the  
 896 noncustodial parent's child support obligations, and shall send



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897 to the noncustodial parent a copy of its petition, a notice of  
898 commencement of action, and a request for waiver of service of  
899 process ~~as provided in the Florida Rules of Civil Procedure.~~

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

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

913  
914 The department may serve the notice of proceeding to establish  
915 administrative support order by certified mail, restricted  
916 delivery, return receipt requested. Alternatively, the  
917 department may serve the notice by any means permitted for  
918 service of process in a civil action. For purposes of this  
919 section, an authorized employee of the department may serve the  
920 notice and execute an affidavit of service. Service by certified  
921 mail is completed when the certified mail is received or refused  
922 by the addressee or by an authorized agent as designated by the  
923 addressee in writing. If a person other than the addressee signs  
924 the return receipt, the department shall attempt to reach the

925 addressee by telephone to confirm whether the notice was  
 926 received, and the department shall document any telephonic  
 927 communications. If someone other than the addressee signs the  
 928 return receipt, the addressee does not respond to the notice,  
 929 and the department is unable to confirm that the addressee has  
 930 received the notice, service is not completed and the department  
 931 shall attempt to have the addressee served personally. The  
 932 department shall provide the custodial parent or caretaker  
 933 relative with a copy of the notice by regular mail to the last  
 934 known address of the custodial parent or caretaker.

935 Section 40. Subsection (4) of section 409.257, Florida  
 936 Statutes, is amended to read:

937 409.257 Service of process.--

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

941 Section 41. Paragraph (b) of subsection (2) of section  
 942 415.1045, Florida Statutes, is amended to read:

943 415.1045 Photographs, videotapes, and medical  
 944 examinations; abrogation of privileged communications;  
 945 confidential records and documents.--

946 (2) MEDICAL EXAMINATIONS.--

947 (b) Upon admission to a hospital or health care facility,  
 948 with the consent of the vulnerable adult who has capacity to  
 949 consent or that person's guardian, or pursuant to s. 415.1051,  
 950 the medical staff of the facility may examine, diagnose, or  
 951 treat the vulnerable adult. If a person who has legal authority  
 952 to give consent for the provision of medical treatment to a

953 vulnerable adult has not given or has refused to give such  
 954 consent, examination and treatment must be limited to reasonable  
 955 examination of the patient to determine the medical condition of  
 956 the patient and treatment reasonably necessary to alleviate the  
 957 medical condition or to stabilize the patient pending a  
 958 determination by the court of the department's petition  
 959 authorizing protective services. Any person may seek an  
 960 expedited judicial intervention under ~~rule 5.900~~ of the Florida  
 961 Probate Rules concerning medical treatment procedures.

962 Section 42. Paragraph (c) of subsection (2) of section  
 963 415.1051, Florida Statutes, is amended to read:

964 415.1051 Protective services interventions when capacity  
 965 to consent is lacking; nonemergencies; emergencies; orders;  
 966 limitations.--

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

976 (c) Emergency medical treatment.--If, upon admission to a  
 977 medical facility, it is the opinion of the medical staff that  
 978 immediate medical treatment is necessary to prevent serious  
 979 physical injury or death, and that such treatment does not  
 980 violate a known health care advance directive prepared by the

981 vulnerable adult, the medical facility may proceed with  
 982 treatment to the vulnerable adult. If a person with legal  
 983 authority to give consent for the provision of medical treatment  
 984 to a vulnerable adult has not given or has refused to give such  
 985 consent, examination and treatment must be limited to reasonable  
 986 examination of the patient to determine the medical condition of  
 987 the patient and treatment reasonably necessary to alleviate the  
 988 emergency medical condition or to stabilize the patient pending  
 989 court determination of the department's petition authorizing  
 990 emergency protective services. Any person may seek an expedited  
 991 judicial intervention under ~~rule 5.900~~ of the Florida Probate  
 992 Rules concerning medical treatment procedures.

993 Section 43. Paragraph (a) of subsection (7) and  
 994 subsections (10) and (11) of section 429.293, Florida Statutes,  
 995 are amended to read:

996 429.293 Presuit notice; investigation; notification of  
 997 violation of residents' rights or alleged negligence; claims  
 998 evaluation procedure; informal discovery; review; settlement  
 999 offer; mediation.--

1000 (7) Informal discovery may be used by a party to obtain  
 1001 unsworn statements and the production of documents or things, as  
 1002 follows:

1003 (a) Unsworn statements.--Any party may require other  
 1004 parties to appear for the taking of an unsworn statement. Such  
 1005 statements may be used only for the purpose of claims evaluation  
 1006 and are not discoverable or admissible in any civil action for  
 1007 any purpose by any party. A party seeking to take the unsworn  
 1008 statement of any party must give reasonable notice in writing to

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

1021 (10) To the extent not inconsistent with this part, the  
 1022 provisions of chapter 44 and the ~~Florida Mediation Code,~~ Florida  
 1023 Rules of Civil Procedure~~,~~ shall be applicable to such  
 1024 proceedings.

1025 (11) Within 30 days after the claimant's receipt of  
 1026 defendant's response to the claim, the parties or their  
 1027 designated representatives shall meet in mediation to discuss  
 1028 the issues of liability and damages in accordance with chapter  
 1029 44 and the mediation rules of practice and procedures adopted by  
 1030 the Supreme Court and applicable to civil actions in circuit  
 1031 court. Upon stipulation of the parties, this 30-day period may  
 1032 be extended and the statute of limitations is tolled during the  
 1033 mediation and any such extension. At the conclusion of  
 1034 mediation, the claimant shall have 60 days or the remainder of  
 1035 the period of the statute of limitations, whichever is greater,  
 1036 within which to file suit.

1037 Section 44. Section 440.31, Florida Statutes, is amended  
 1038 to read:

1039 440.31 Witness fees.--

1040 (1) Each witness who appears in obedience to a subpoena is  
 1041 ~~shall be~~ entitled to the same fees as witnesses in a civil  
 1042 action in the circuit court. ~~; however, any~~

1043 (2) ~~Each~~ expert witness, ~~as defined in Rule 1.390(a) of~~  
 1044 ~~the Florida Rules of Civil Procedure,~~ who testifies shall have  
 1045 ~~testified~~ in any proceeding under this chapter shall be allowed  
 1046 a witness fee, including the cost of any exhibits used by such  
 1047 witness, in such reasonable amount as the judge of compensation  
 1048 claims may determine, not in excess of the rate prevailing in  
 1049 the locality for witness fees for such expert witnesses in  
 1050 workers' compensation proceedings, notwithstanding the  
 1051 limitation provided in s. 92.231. As used in this subsection,  
 1052 the term "expert witness" means a person duly and regularly  
 1053 engaged in the practice of a profession who holds a professional  
 1054 degree from a university or college and who has had special  
 1055 professional training and experience, or a person possessed of  
 1056 special knowledge or skill about the subject upon which he or  
 1057 she is called to testify.

1058 Section 45. 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  
 1062 employee organization, or any officer, agent, or representative  
 1063 of any employee organization engages in a strike in violation of  
 1064 s. 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~~  
 1068 ~~under the Florida Rules of Civil Procedure and Florida Statutes.~~  
 1069 The 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  
 1076 shall either make the injunction permanent or dissolve it.

1077 Section 46. 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  
 1082 brought as a class action ~~pursuant to Rule 1.220, Florida Rules~~  
 1083 ~~of Civil Procedure.~~ In any class action brought pursuant to this  
 1084 section, the plaintiffs shall prove, by a preponderance of the  
 1085 evidence, the individual identity of each class member and the  
 1086 individual damages of each class member.

1087 Section 47. 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  
 1090 or 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  
 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  
 1101 | or 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  
 1107 | both 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  
 1111 | the patient's legal representative by the party seeking such  
 1112 | records.

1113 |         4. For statistical and scientific research, provided the  
 1114 | information is abstracted in such a way as to protect the  
 1115 | identity of the patient or provided written permission is  
 1116 | received from the patient or the patient's legal representative.

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



1121 that certifies poison control centers in accordance with federal  
 1122 law.

1123 Section 48. Paragraph (b) of subsection (3) of section  
 1124 518.112, Florida Statutes, is amended to read:

1125 518.112 Delegation of investment functions.--

1126 (3) A fiduciary may delegate investment functions to an  
 1127 investment agent under subsection (1) or subsection (2), if:

1128 (b) In the case of a trust or estate, the fiduciary has  
 1129 given written notice, of its intention to begin delegating  
 1130 investment functions under this section, to all beneficiaries,  
 1131 or their legal representative, eligible to receive distributions  
 1132 from the trust or estate within 30 days of the delegation unless  
 1133 such notice is waived by the eligible beneficiaries entitled to  
 1134 receive such notice. This notice shall thereafter, until or  
 1135 unless the beneficiaries eligible to receive income from the  
 1136 trust or distributions from the estate at the time are notified  
 1137 to the contrary, authorize the trustee or legal representative  
 1138 to delegate investment functions pursuant to this subsection.  
 1139 This discretion to revoke the delegation does not imply under  
 1140 subsection (2) any continuing obligation to review the agent's  
 1141 actions.

1142 1. Notice to beneficiaries eligible to receive  
 1143 distributions from the trust from the estate, or their legal  
 1144 representatives shall be sufficient notice to all persons who  
 1145 may join the eligible class of beneficiaries in the future.

1146 2. Additionally, as used herein, legal representative  
 1147 includes one described in s. 731.303, without any requirement of  
 1148 a court order, an attorney-in-fact under a durable power of

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1149 attorney sufficient to grant such authority, a legally appointed  
 1150 guardian, or equivalent under applicable law, any living,  
 1151 natural guardian of a minor child, or a guardian ad litem.

1152 3. Written notice shall be:

1153 a. By any form of mail or by any commercial delivery  
 1154 service, approved for service of process by the chief judge of  
 1155 the judicial circuit in which the trust has its principal place  
 1156 of business at the date of notice, requiring a signed receipt;

1157 or

1158 b. As provided by law for service of process, ~~or~~

1159 ~~e. By an elisor as may be provided in the Florida Rules of~~  
 1160 ~~Civil Procedure.~~

1161  
 1162 Notice by mail or by approved commercial delivery service is  
 1163 complete on receipt of notice. Proof of notice must be by  
 1164 verified statement of the person mailing or sending notice, and  
 1165 there must be attached thereto the signed receipt or other  
 1166 satisfactory evidence that delivery was effected on the  
 1167 addressee or on the addressee's agent. Proof of notice must be  
 1168 maintained among the trustee's permanent records.

1169 Section 49. Subsection (4) of section 552.40, Florida  
 1170 Statutes, is amended to read:

1171 552.40 Administrative remedy for alleged damage due to the  
 1172 use of explosives in connection with construction materials  
 1173 mining activities.--

1174 (4) The administrative judge shall issue an order  
 1175 directing mediation ~~under Rule 1700 et seq., Florida Rules of~~  
 1176 ~~Civil Procedure.~~ The parties shall jointly select a mediator and

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1177 the location of mediation. If the parties fail to do so within  
1178 30 days after the order for mediation is issued, the  
1179 administrative law judge shall designate the mediator and the  
1180 location of mediation. Petitioner and respondent shall each pay  
1181 one-half of the cost of mediation. If the petitioner's annual  
1182 income is less than 150 percent of the applicable federal  
1183 poverty guideline published in the Federal Register by the  
1184 United States Department of Health and Human Services, the  
1185 respondent shall bear the full cost of mediation. The mediation  
1186 must be concluded within 60 days after the date of designation  
1187 of the mediator unless the parties agree upon a different date.

1188 Section 50. Paragraph (b) of subsection (1) and subsection  
1189 (5) of section 607.0505, Florida Statutes, are amended to read:

1190 607.0505 Registered agent; duties.--

1191 (1)

1192 (b) Each such corporation, foreign corporation, or alien  
1193 business organization which fails to have and continuously  
1194 maintain a registered office and a registered agent as required  
1195 in this section will be liable to this state for \$500 for each  
1196 year, or part of a year, during which the corporation, foreign  
1197 corporation, or alien business organization fails to comply with  
1198 these requirements; but such liability will be forgiven in full  
1199 upon the compliance by the corporation, foreign corporation, or  
1200 alien business organization with the requirements of this  
1201 subsection, even if such compliance occurs after an action to  
1202 collect such liability is instituted. The Department of Legal  
1203 Affairs may file an action in the circuit court for the judicial  
1204 circuit in which the corporation, foreign corporation, or alien

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1205 business organization is found or transacts business, or in  
1206 which real property belonging to the corporation, foreign  
1207 corporation, or alien business organization is located, to  
1208 petition the court for an order directing that a registered  
1209 agent be appointed and that a registered office be designated,  
1210 and to obtain judgment for the amount owed under this  
1211 subsection. In connection with such proceeding, the department  
1212 may, without prior approval by the court, file a lis pendens  
1213 against real property owned by the corporation, foreign  
1214 corporation, or alien business organization, which lis pendens  
1215 shall set forth the legal description of the real property and  
1216 shall be filed in the public records of the county where the  
1217 real property is located. If the lis pendens is filed in any  
1218 county other than the county in which the action is pending, the  
1219 lis pendens which is filed must be a certified copy of the  
1220 original lis pendens. The failure to comply timely or fully with  
1221 an order directing that a registered agent be appointed and that  
1222 a registered office be designated will result in a civil penalty  
1223 of not more than \$1,000 for each day of noncompliance. A  
1224 judgment or an order of payment entered pursuant to this  
1225 subsection will become a judgment lien against any real property  
1226 owned by the corporation, foreign corporation, or alien business  
1227 organization when a certified copy of the judgment or order is  
1228 recorded as required by s. 55.10. ~~The department will be able to~~  
1229 ~~avail itself of, and is entitled to use, any provision of law or~~  
1230 ~~of the Florida Rules of Civil Procedure to further the~~  
1231 ~~collecting or obtaining of payment pursuant to a judgment or~~  
1232 ~~order of payment.~~ The state, through the Attorney General, may

1233 bid, at any judicial sale to enforce its judgment lien, any  
1234 amount up to the amount of the judgment or lien obtained  
1235 pursuant to this subsection. All moneys recovered under this  
1236 subsection shall be treated as forfeitures under ss. 895.01-  
1237 895.09 and used or distributed in accordance with the procedure  
1238 set forth in s. 895.09. A corporation, foreign corporation, or  
1239 alien business organization which fails to have and continuously  
1240 maintain a registered office and a registered agent as required  
1241 in this section may not defend itself against any action  
1242 instituted by the Department of Legal Affairs or by any other  
1243 agency of this state until the requirements of this subsection  
1244 have been met.

1245 (5) If a corporation, foreign corporation, or alien  
1246 business organization fails without lawful excuse to comply  
1247 timely or fully with a subpoena issued pursuant to subsection  
1248 (2), the Department of Legal Affairs may file an action in the  
1249 circuit court for the judicial circuit in which the corporation,  
1250 foreign corporation, or alien business organization is found or  
1251 transacts business or in which real property belonging to the  
1252 corporation, foreign corporation, or alien business organization  
1253 is located, for an order compelling compliance with the  
1254 subpoena. The failure without a lawful excuse to comply timely  
1255 or fully with an order compelling compliance with the subpoena  
1256 will result in a civil penalty of not more than \$1,000 for each  
1257 day of noncompliance with the order. In connection with such  
1258 proceeding, the department may, without prior approval by the  
1259 court, file a lis pendens against real property owned by the  
1260 corporation, foreign corporation, or alien business

1261 organization, which lis pendens shall set forth the legal  
 1262 description of the real property and shall be filed in the  
 1263 public records of the county where the real property is located.  
 1264 If the lis pendens is filed in any county other than the county  
 1265 in which the action is pending, the lis pendens which is filed  
 1266 must be a certified copy of the original lis pendens. A judgment  
 1267 or an order of payment entered pursuant to this subsection will  
 1268 become a judgment lien against any real property owned by the  
 1269 corporation, foreign corporation, or alien business organization  
 1270 when a certified copy of the judgment or order is recorded as  
 1271 required by s. 55.10. ~~The department will be able to avail~~  
 1272 ~~itself of, and is entitled to use, any provision of law or of~~  
 1273 ~~the Florida Rules of Civil Procedure to further the collecting~~  
 1274 ~~or obtaining of payment pursuant to a judgment or order of~~  
 1275 ~~payment.~~ The state, through the Attorney General, may bid, at  
 1276 any judicial sale to enforce its judgment lien, an amount up to  
 1277 the amount of the judgment or lien obtained pursuant to this  
 1278 subsection. All moneys recovered under this subsection shall be  
 1279 treated as forfeitures under ss. 895.01-895.09 and used or  
 1280 distributed in accordance with the procedure set forth in s.  
 1281 895.09.

1282 Section 51. Paragraph (b) of subsection (1) and subsection  
 1283 (5) of section 617.0503, Florida Statutes, are amended to read:

1284 617.0503 Registered agent; duties; confidentiality of  
 1285 investigation records.--

1286 (1)

1287 (b) Each such corporation, foreign corporation, or alien  
 1288 business organization that fails to have and continuously

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1289 maintain a registered office and a registered agent as required  
1290 in this section is liable to this state for \$500 for each year,  
1291 or part of a year, during which the corporation, foreign  
1292 corporation, or alien business organization fails to comply with  
1293 these requirements; but this liability is forgiven in full upon  
1294 the compliance by the corporation, foreign corporation, or alien  
1295 business organization with the requirements of this subsection,  
1296 even if that compliance occurs after an action to collect such  
1297 amount is instituted. The Department of Legal Affairs may file  
1298 an action in the circuit court for the judicial circuit in which  
1299 the corporation, foreign corporation, or alien business  
1300 organization is found or transacts business, or in which real  
1301 property belonging to the corporation, foreign corporation, or  
1302 alien business organization is located, to petition the court  
1303 for an order directing that a registered agent be appointed and  
1304 that a registered office be designated, and to obtain judgment  
1305 for the amount owed under this subsection. In connection with  
1306 such proceeding, the department may, without prior approval by  
1307 the court, file a lis pendens against real property owned by the  
1308 corporation, foreign corporation, or alien business  
1309 organization, which lis pendens shall set forth the legal  
1310 description of the real property and shall be filed in the  
1311 public records of the county where the real property is located.  
1312 If the lis pendens is filed in any county other than the county  
1313 in which the action is pending, the lis pendens that is filed  
1314 must be a certified copy of the original lis pendens. The  
1315 failure to comply timely or fully with an order directing that a  
1316 registered agent be appointed and that a registered office be

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1317 designated will result in a civil penalty of not more than  
1318 \$1,000 for each day of noncompliance. A judgment or an order of  
1319 payment entered under this subsection becomes a judgment lien  
1320 against any real property owned by the corporation, foreign  
1321 corporation, or alien business organization when a certified  
1322 copy of the judgment or order is recorded as required by s.  
1323 55.10. ~~The department may avail itself of, and is entitled to~~  
1324 ~~use, any provision of law or of the Florida Rules of Civil~~  
1325 ~~Procedure to further the collecting or obtaining of payment~~  
1326 ~~pursuant to a judgment or order of payment.~~ The state, through  
1327 the Attorney General, may bid, at any judicial sale to enforce  
1328 its judgment lien, any amount up to the amount of the judgment  
1329 or lien obtained pursuant to this subsection. All moneys  
1330 recovered under this subsection shall be treated as forfeitures  
1331 under ss. 895.01-895.09 and used or distributed in accordance  
1332 with the procedure set forth in s. 895.09. A corporation,  
1333 foreign corporation, or alien business organization that fails  
1334 to have and continuously maintain a registered office and a  
1335 registered agent as required in this section may not defend  
1336 itself against any action instituted by the Department of Legal  
1337 Affairs or by any other agency of this state until the  
1338 requirements of this subsection have been met.

1339 (5) If a corporation, foreign corporation, or alien  
1340 business organization fails without lawful excuse to comply  
1341 timely or fully with a subpoena issued pursuant to subsection  
1342 (2), the Department of Legal Affairs may file an action in the  
1343 circuit court for the judicial circuit in which the corporation,  
1344 foreign corporation, or alien business organization is found or



1345 | transacts business or in which real property belonging to the  
 1346 | corporation, foreign corporation, or alien business organization  
 1347 | is located, for an order compelling compliance with the  
 1348 | subpoena. The failure without a lawful excuse to comply timely  
 1349 | or fully with an order compelling compliance with the subpoena  
 1350 | will result in a civil penalty of not more than \$1,000 for each  
 1351 | day of noncompliance with the order. In connection with such  
 1352 | proceeding, the department may, without prior approval by the  
 1353 | court, file a lis pendens against real property owned by the  
 1354 | corporation, foreign corporation, or alien business  
 1355 | organization, which lis pendens shall set forth the legal  
 1356 | description of the real property and shall be filed in the  
 1357 | public records of the county where the real property is located.  
 1358 | If the lis pendens is filed in any county other than the county  
 1359 | in which the action is pending, the lis pendens that is filed  
 1360 | must be a certified copy of the original lis pendens. A judgment  
 1361 | or an order of payment entered pursuant to this subsection will  
 1362 | become a judgment lien against any real property owned by the  
 1363 | corporation, foreign corporation, or alien business organization  
 1364 | when a certified copy of the judgment or order is recorded as  
 1365 | required by s. 55.10. ~~The department may avail itself of, and is~~  
 1366 | ~~entitled to use, any provision of law or of the Florida Rules of~~  
 1367 | ~~Civil Procedure to further the collecting or obtaining of~~  
 1368 | ~~payment pursuant to a judgment or order of payment.~~ The state,  
 1369 | through the Attorney General, may bid at any judicial sale to  
 1370 | enforce its judgment lien, an amount up to the amount of the  
 1371 | judgment or lien obtained pursuant to this subsection. All  
 1372 | moneys recovered under this subsection shall be treated as

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1373 forfeitures under ss. 895.01-895.09 and used or distributed in  
 1374 accordance with the procedure set forth in s. 895.09.

1375 Section 52. Subsection (1) of section 655.059, Florida  
 1376 Statutes, is amended to read:

1377 655.059 Access to books and records; confidentiality;  
 1378 penalty for disclosure.--

1379 (1) The books and records of a financial institution are  
 1380 confidential and shall be made available for inspection and  
 1381 examination only:

1382 (a) To the office or its duly authorized representative;

1383 (b) To any person duly authorized to act for the financial  
 1384 institution;

1385 (c) To any federal or state instrumentality or agency  
 1386 authorized to inspect or examine the books and records of an  
 1387 insured financial institution;

1388 (d) With respect to an international banking corporation,  
 1389 to the home-country supervisor of the corporation, provided:

1390 1. The supervisor provides advance notice to the office  
 1391 that the supervisor intends to examine the Florida office of the  
 1392 corporation.

1393 2. The supervisor confirms to the office that the purpose  
 1394 of the examination is to ensure the safety and soundness of the  
 1395 corporation.

1396 3. The books and records pertaining to customer deposit,  
 1397 investment, and custodial accounts are not disclosed to the  
 1398 supervisor.

1399 4. At any time during the conduct of the examination, the  
 1400 office reserves the right to have an examiner present or to

1401 participate jointly in the examination.

1402  
 1403 For purposes of this paragraph, "home-country supervisor" means  
 1404 the governmental entity in the corporation's home country with  
 1405 responsibility for the supervision and regulation of the  
 1406 corporation;

1407 (e) As compelled by a court of competent jurisdiction,  
 1408 pursuant to a subpoena issued ~~pursuant to the Florida Rules of~~  
 1409 ~~Civil Procedure, the Florida Rules of Criminal Procedure, or the~~  
 1410 ~~Federal Rules of Civil Procedure, or pursuant to a subpoena~~  
 1411 ~~issued~~ in accordance with state or federal law. Prior to the  
 1412 production of the books and records of a financial institution,  
 1413 the party seeking production must reimburse the financial  
 1414 institution for the reasonable costs and fees incurred in  
 1415 compliance with the production. If the parties disagree  
 1416 regarding the amount of reimbursement, the party seeking the  
 1417 records may request the court or agency having jurisdiction to  
 1418 set the amount of reimbursement;

1419 (f) As compelled by legislative subpoena as provided by  
 1420 law, in which case the provisions of s. 655.057 apply;

1421 (g) Pursuant to a subpoena, to any federal or state law  
 1422 enforcement or prosecutorial instrumentality authorized to  
 1423 investigate suspected criminal activity;

1424 (h) As authorized by the board of directors of the  
 1425 financial institution; or

1426 (i) As provided in subsection (2).

1427 Section 53. Paragraph (b) of subsection (4) of section  
 1428 713.346, Florida Statutes, is amended to read:

1429 713.346 Payment on construction contracts.--

1430 (4) After service of the complaint, the court shall  
 1431 conduct an evidentiary hearing on the complaint, upon not less  
 1432 than 15 days' written notice. The person providing labor,  
 1433 services, or materials is entitled to the following remedies to  
 1434 the extent of the undisputed amount due for labor or services  
 1435 performed or materials supplied, and upon proof of each  
 1436 allegation in the complaint:

1437 (b) A temporary injunction against the person who received  
 1438 the payment, ~~subject to the bond requirements specified in the~~  
 1439 ~~Florida Rules of Civil Procedure.~~

1440 Section 54. Paragraph (h) of subsection (4) of section  
 1441 718.1255, Florida Statutes, is amended to read:

1442 718.1255 Alternative dispute resolution; voluntary  
 1443 mediation; mandatory nonbinding arbitration; legislative  
 1444 findings.--

1445 (4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF  
 1446 DISPUTES.--The Division of Florida Land Sales, Condominiums, and  
 1447 Mobile Homes of the Department of Business and Professional  
 1448 Regulation shall employ full-time attorneys to act as  
 1449 arbitrators to conduct the arbitration hearings provided by this  
 1450 chapter. The division may also certify attorneys who are not  
 1451 employed by the division to act as arbitrators to conduct the  
 1452 arbitration hearings provided by this section. No person may be  
 1453 employed by the department as a full-time arbitrator unless he  
 1454 or she is a member in good standing of The Florida Bar. The  
 1455 department shall promulgate rules of procedure to govern such  
 1456 arbitration hearings including mediation incident thereto. The

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1457 decision of an arbitrator shall be final; however, such a  
1458 decision shall not be deemed final agency action. Nothing in  
1459 this provision shall be construed to foreclose parties from  
1460 proceeding in a trial de novo unless the parties have agreed  
1461 that the arbitration is binding. If such judicial proceedings  
1462 are initiated, the final decision of the arbitrator shall be  
1463 admissible in evidence in the trial de novo.

1464 (h) Mediation proceedings must generally be conducted in  
1465 accordance with chapter 44 ~~the Florida Rules of Civil Procedure,~~  
1466 ~~and these proceedings are privileged and confidential to the~~  
1467 ~~same extent as court-ordered mediation.~~ Persons who are not  
1468 parties to the dispute are not allowed to attend the mediation  
1469 conference without the consent of all parties, with the  
1470 exception of counsel for the parties and corporate  
1471 representatives designated to appear for a party. If the  
1472 mediator declares an impasse after a mediation conference has  
1473 been held, the arbitration proceeding terminates, unless all  
1474 parties agree in writing to continue the arbitration proceeding,  
1475 in which case the arbitrator's decision shall be either binding  
1476 or nonbinding, as agreed upon by the parties; in the arbitration  
1477 proceeding, the arbitrator shall not consider any evidence  
1478 relating to the unsuccessful mediation except in a proceeding to  
1479 impose sanctions for failure to appear at the mediation  
1480 conference. If the parties do not agree to continue arbitration,  
1481 the arbitrator shall enter an order of dismissal, and either  
1482 party may institute a suit in a court of competent jurisdiction.  
1483 The parties may seek to recover any costs and attorneys' fees  
1484 incurred in connection with arbitration and mediation

1485 proceedings under this section as part of the costs and fees  
 1486 that may be recovered by the prevailing party in any subsequent  
 1487 litigation.

1488 Section 55. Paragraph (a) of subsection (2) of section  
 1489 720.311, Florida Statutes, is amended to read:

1490 720.311 Dispute resolution.--

1491 (2) (a) Disputes between an association and a parcel owner  
 1492 regarding use of or changes to the parcel or the common areas  
 1493 and other covenant enforcement disputes, disputes regarding  
 1494 amendments to the association documents, disputes regarding  
 1495 meetings of the board and committees appointed by the board,  
 1496 membership meetings not including election meetings, and access  
 1497 to the official records of the association shall be the subject  
 1498 of a demand for presuit mediation served by an aggrieved party  
 1499 before the dispute is filed in court. Presuit mediation  
 1500 proceedings must be conducted in accordance with chapter 44 ~~the~~  
 1501 ~~applicable Florida Rules of Civil Procedure, and these~~  
 1502 ~~proceedings are privileged and confidential to the same extent~~  
 1503 ~~as court ordered mediation.~~ Disputes subject to presuit  
 1504 mediation under this section shall not include the collection of  
 1505 any assessment, fine, or other financial obligation, including  
 1506 attorney's fees and costs, claimed to be due or any action to  
 1507 enforce a prior mediation settlement agreement between the  
 1508 parties. Also, in any dispute subject to presuit mediation under  
 1509 this section where emergency relief is required, a motion for  
 1510 temporary injunctive relief may be filed with the court without  
 1511 first complying with the presuit mediation requirements of this  
 1512 section. After any issues regarding emergency or temporary

1513 relief are resolved, the court may either refer the parties to a  
 1514 mediation program administered by the courts or require  
 1515 mediation under this section. An arbitrator or judge may not  
 1516 consider any information or evidence arising from the presuit  
 1517 mediation proceeding except in a proceeding to impose sanctions  
 1518 for failure to attend a presuit mediation session or to enforce  
 1519 a mediated settlement agreement. Persons who are not parties to  
 1520 the dispute may not attend the presuit mediation conference  
 1521 without the consent of all parties, except for counsel for the  
 1522 parties and a corporate representative designated by the  
 1523 association. When mediation is attended by a quorum of the  
 1524 board, such mediation is not a board meeting for purposes of  
 1525 notice and participation set forth in s. 720.303. An aggrieved  
 1526 party shall serve on the responding party a written demand to  
 1527 participate in presuit mediation in substantially the following  
 1528 form:

1529

1530

1531 STATUTORY OFFER TO PARTICIPATE

1532

1533

1534 IN PRESUIT MEDIATION

1535

1536

1537 The alleged aggrieved party, \_\_\_\_\_, hereby  
 1538 demands that \_\_\_\_\_, as the responding party,  
 1539 engage in mandatory presuit mediation in connection with the  
 1540 following disputes, which by statute are of a type that are

1541 subject to presuit mediation:

1542

1543

1544 (List specific nature of the dispute or disputes to be mediated  
 1545 and the authority supporting a finding of a violation as to each  
 1546 dispute.)

1547

1548

1549 Pursuant to section 720.311, Florida Statutes, this demand to  
 1550 resolve the dispute through presuit mediation is required before  
 1551 a lawsuit can be filed concerning the dispute. Pursuant to the  
 1552 statute, the parties are required to engage in presuit mediation  
 1553 with a neutral third-party mediator in order to attempt to  
 1554 resolve this dispute without court action, and the aggrieved  
 1555 party demands that you likewise agree to this process. If you  
 1556 fail to participate in the mediation process, suit may be  
 1557 brought against you without further warning.

1558

1559

1560 The process of mediation involves a supervised negotiation  
 1561 process in which a trained, neutral third-party mediator meets  
 1562 with both parties and assists them in exploring possible  
 1563 opportunities for resolving part or all of the dispute. By  
 1564 agreeing to participate in presuit mediation, you are not bound  
 1565 in any way to change your position. Furthermore, the mediator  
 1566 has no authority to make any decisions in this matter or to  
 1567 determine who is right or wrong and merely acts as a facilitator  
 1568 to ensure that each party understands the position of the other



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1569 party and that all options for reasonable settlement are fully  
1570 explored.

1571

1572

1573 If an agreement is reached, it shall be reduced to writing and  
1574 becomes a binding and enforceable commitment of the parties. A  
1575 resolution of one or more disputes in this fashion avoids the  
1576 need to litigate these issues in court. The failure to reach an  
1577 agreement, or the failure of a party to participate in the  
1578 process, results in the mediator declaring an impasse in the  
1579 mediation, after which the aggrieved party may proceed to court  
1580 on all outstanding, unsettled disputes. If you have failed or  
1581 refused to participate in the entire mediation process, you will  
1582 not be entitled to recover attorney's fees, even if you prevail.

1583

1584

1585 The aggrieved party has selected and hereby lists five certified  
1586 mediators who we believe to be neutral and qualified to mediate  
1587 the dispute. You have the right to select any one of these  
1588 mediators. The fact that one party may be familiar with one or  
1589 more of the listed mediators does not mean that the mediator  
1590 cannot act as a neutral and impartial facilitator. Any mediator  
1591 who cannot act in this capacity is required ethically to decline  
1592 to accept engagement. The mediators that we suggest, and their  
1593 current hourly rates, are as follows:

1594

1595

1596 (List the names, addresses, telephone numbers, and hourly rates

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1597 of the mediators. Other pertinent information about the  
1598 background of the mediators may be included as an attachment.)

1599

1600

1601 You may contact the offices of these mediators to confirm that  
1602 the listed mediators will be neutral and will not show any  
1603 favoritism toward either party. The Florida Supreme Court can  
1604 provide you a list of certified mediators.

1605

1606

1607 Unless otherwise agreed by the parties, section 720.311(2)(b),  
1608 Florida Statutes, requires that the parties share the costs of  
1609 presuit mediation equally, including the fee charged by the  
1610 mediator. An average mediation may require three to four hours  
1611 of the mediator's time, including some preparation time, and the  
1612 parties would need to share equally the mediator's fees as well  
1613 as their own attorney's fees if they choose to employ an  
1614 attorney in connection with the mediation. However, use of an  
1615 attorney is not required and is at the option of each party. The  
1616 mediators may require the advance payment of some or all of the  
1617 anticipated fees. The aggrieved party hereby agrees to pay or  
1618 prepay one-half of the mediator's estimated fees and to forward  
1619 this amount or such other reasonable advance deposits as the  
1620 mediator requires for this purpose. Any funds deposited will be  
1621 returned to you if these are in excess of your share of the fees  
1622 incurred.

1623

1624

1625 To begin your participation in presuit mediation to try to  
 1626 resolve the dispute and avoid further legal action, please sign  
 1627 below and clearly indicate which mediator is acceptable to you.  
 1628 We will then ask the mediator to schedule a mutually convenient  
 1629 time and place for the mediation conference to be held. The  
 1630 mediation conference must be held within ninety (90) days of  
 1631 this date, unless extended by mutual written agreement. In the  
 1632 event that you fail to respond within 20 days from the date of  
 1633 this letter, or if you fail to agree to at least one of the  
 1634 mediators that we have suggested or to pay or prepay to the  
 1635 mediator one-half of the costs involved, the aggrieved party  
 1636 will be authorized to proceed with the filing of a lawsuit  
 1637 against you without further notice and may seek an award of  
 1638 attorney's fees or costs incurred in attempting to obtain  
 1639 mediation.

1640  
 1641  
 1642 Therefore, please give this matter your immediate attention. By  
 1643 law, your response must be mailed by certified mail, return  
 1644 receipt requested, and by first-class mail to the address shown  
 1645 on this demand.

1646  
 1647  
 1648 \_\_\_\_\_  
 1649  
 1650 \_\_\_\_\_

1651  
 1652

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1653 RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR AGREEMENT TO  
 1654 THAT CHOICE.

1655  
 1656 AGREEMENT TO MEDIATE

1657  
 1658  
 1659 The undersigned hereby agrees to participate in presuit  
 1660 mediation and agrees to attend a mediation conducted by the  
 1661 following mediator or mediators who are listed above as someone  
 1662 who would be acceptable to mediate this dispute:

1663  
 1664  
 1665 (List acceptable mediator or mediators.)

1666  
 1667  
 1668 I/we further agree to pay or prepay one-half of the mediator's  
 1669 fees and to forward such advance deposits as the mediator may  
 1670 require for this purpose.

1671  
 1672  
 1673 \_\_\_\_\_  
 1674  
 1675 Signature of responding party #1

1676  
 1677  
 1678 \_\_\_\_\_  
 1679  
 1680 Telephone contact information

1681  
1682  
1683  
1684  
1685  
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1707  
1708

---

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

Section 56. Subsection (2) of section 723.0381, Florida Statutes, is amended to read:

723.0381 Civil actions; arbitration.--

(2) The court may refer the action to nonbinding arbitration pursuant to s. 44.103 ~~and the Florida Rules of Civil Procedure~~. The court shall order the hearing to be held informally with presentation of testimony kept to a minimum and matters presented to the arbitrators primarily through the statements and arguments of counsel. The court shall assess the parties equally to pay the compensation awarded to the arbitrators if neither party requests a trial de novo. If a party has filed for a trial de novo, the party shall be assessed the arbitration costs, court costs, and other reasonable costs of the opposing party, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If subsequent to arbitration a party files for a trial de novo, the arbitration decision may be made known to the judge only after he or she has entered his or her order on the merits.

Section 57. Subsection (1) of section 726.108, Florida

1709 Statutes, is amended to read:

1710 726.108 Remedies of creditors.--

1711 (1) In an action for relief against a transfer or  
 1712 obligation under ss. 726.101-726.112, a creditor, subject to the  
 1713 limitations in s. 726.109 may obtain:

1714 (a) Avoidance of the transfer or obligation to the extent  
 1715 necessary to satisfy the creditor's claim;

1716 (b) An attachment or other provisional remedy against the  
 1717 asset transferred or other property of the transferee in  
 1718 accordance with applicable law;

1719 ~~(c) Subject to applicable principles of equity and in~~  
 1720 ~~accordance with applicable rules of civil procedure:~~

1721 (c)1. An injunction against further disposition by the  
 1722 debtor or a transferee, or both, of the asset transferred or of  
 1723 other property;

1724 (d)2. Appointment of a receiver to take charge of the  
 1725 asset transferred or of other property of the transferee; or

1726 (e)3. Any other relief the circumstances may require.

1727 Section 58. Paragraph (b) of subsection (2) of section  
 1728 727.104, Florida Statutes, is amended to read:

1729 727.104 Commencement of proceedings.--

1730 (2) Within 10 days after delivery of the assignment to the  
 1731 assignee, the assignee shall:

1732 (b) File, in the office of the clerk of the court in the  
 1733 county of the assignor's place of business if it has one, in the  
 1734 county of its chief executive office if it has more than one  
 1735 place of business, or in the county of the assignor's residence  
 1736 if the assignor is an individual not engaged in business, ~~in~~

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1737 ~~accordance with the procedures for filing a complaint as set~~  
 1738 ~~forth in the Florida Rules of Civil Procedure,~~ a petition  
 1739 setting forth the name and address of the assignor and the name  
 1740 and address of the assignee; a copy of the assignment, together  
 1741 with Schedules A and B; and a request that the court fix the  
 1742 amount of the assignee's bond to be filed with the clerk of the  
 1743 court. This bond shall be subject to reconsideration upon the  
 1744 motion of any party in interest after notice and hearing. The  
 1745 bond shall be payable to the clerk of the court, in an amount  
 1746 not less than double the liquidation value of the assets of the  
 1747 estate as set forth in Schedule B, conditioned upon the  
 1748 assignee's faithful discharge of her or his duties. Within 30  
 1749 days after the court enters an order setting the amount of such  
 1750 bond, the assignee shall file the bond with the clerk of the  
 1751 court, who shall approve the bond.

1752 Section 59. Section 731.011, Florida Statutes, is amended  
 1753 to read:

1754 731.011 Determination of substantive rights;  
 1755 ~~procedures.~~--The code became effective on January 1, 1976. The  
 1756 substantive rights of all persons that vested prior to January  
 1757 1, 1976, shall be determined as provided in former chapters 731-  
 1758 737 and 744-746. ~~The procedures for the enforcement of vested~~  
 1759 ~~substantive rights shall be as provided in the Florida Probate~~  
 1760 ~~Rules.~~

1761 Section 60. Subsection (2) of section 732.107, Florida  
 1762 Statutes, is amended to read:

1763 732.107 Escheat.--  
 1764 (2) Property that escheats shall be sold ~~as provided in~~

1765 ~~the Florida Probate Rules~~ and the proceeds paid to the Chief  
 1766 Financial Officer of the state and deposited in the State School  
 1767 Fund.

1768 Section 61. Subsection (3) of section 733.101, Florida  
 1769 Statutes, is amended to read:

1770 733.101 Venue of probate proceedings.--

1771 (3) Whenever a proceeding is filed laying venue in an  
 1772 improper county, the court may transfer the action ~~in the same~~  
 1773 ~~manner as provided in the Florida Rules of Civil Procedure.~~ Any  
 1774 action taken by the court or the parties before the transfer is  
 1775 not affected by the improper venue.

1776 Section 62. Subsection (3) of section 733.212, Florida  
 1777 Statutes, is amended to read:

1778 733.212 Notice of administration; filing of objections.--

1779 (3) Any interested person on whom a copy of the notice of  
 1780 administration is served must object to the validity of the  
 1781 will, the qualifications of the personal representative, the  
 1782 venue, or the jurisdiction of the court by filing a petition or  
 1783 other pleading requesting relief ~~in accordance with the Florida~~  
 1784 ~~Probate Rules~~ on or before the date that is 3 months after the  
 1785 date of service of a copy of the notice of administration on the  
 1786 objecting person, or those objections are forever barred.

1787 Section 63. Subsection (2) of section 733.6171, Florida  
 1788 Statutes, is amended to read:

1789 733.6171 Compensation of attorney for the personal  
 1790 representative.--

1791 (2) The attorney, the personal representative, and persons  
 1792 bearing the impact of the compensation may agree to compensation



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1793 determined in a different manner than provided in this section.  
 1794 Compensation may also be determined in a different manner than  
 1795 provided in this section if the manner is disclosed to the  
 1796 parties bearing the impact of the compensation and if no  
 1797 objection is made ~~as provided for in the Florida Probate Rules.~~

1798 Section 64. Subsection (2) of section 733.705, Florida  
 1799 Statutes, is amended to read:

1800 733.705 Payment of and objection to claims.--

1801 (2) On or before the expiration of 4 months from the first  
 1802 publication of notice to creditors or within 30 days from the  
 1803 timely filing or amendment of a claim, whichever occurs later, a  
 1804 personal representative or other interested person may file a  
 1805 written objection to a claim. If an objection is filed, the  
 1806 person filing it shall serve a copy of the objection ~~as provided~~  
 1807 ~~by the Florida Probate Rules.~~ The failure to serve a copy of the  
 1808 objection constitutes an abandonment of the objection. For good  
 1809 cause, the court may extend the time for filing or serving an  
 1810 objection to any claim. Objection to a claim constitutes an  
 1811 objection to an amendment of that claim unless the objection is  
 1812 withdrawn.

1813 Section 65. Subsection (2) of section 734.102, Florida  
 1814 Statutes, is amended to read:

1815 734.102 Ancillary administration.--

1816 ~~(2) Ancillary administration shall be commenced as~~  
 1817 ~~provided by the Florida Probate Rules.~~

1818 Section 66. Subsection (4) of section 736.0109, Florida  
 1819 Statutes, is amended to read:

1820 736.0109 Methods and waiver of notice.--

1821 (4) Notice of a judicial proceeding must be given as  
 1822 provided in statute and the applicable court rule ~~Florida Rules~~  
 1823 ~~of Civil Procedure~~.

1824 Section 67. Subsection (1) and paragraph (c) of subsection  
 1825 (9) of section 738.104, Florida Statutes, are amended to read:

1826 738.104 Trustee's power to adjust.--

1827 (1) A trustee may adjust between principal and income to  
 1828 the extent the trustee considers necessary if the trustee  
 1829 invests and manages trust assets as a prudent investor, the  
 1830 terms of the trust describe the amount that may or shall be  
 1831 distributed to a beneficiary by referring to the trust's income,  
 1832 and the trustee determines, after applying the provisions of  
 1833 ~~rules in~~ s. 738.103(1), that the trustee is unable to comply  
 1834 with s. 738.103(2).

1835 (9)

1836 (c) The statement referred to in this subsection shall be  
 1837 served informally by delivering a copy or mailing it to the  
 1838 beneficiary, ~~in the manner provided in the Florida Rules of~~  
 1839 ~~Civil Procedure relating to service of pleadings subsequent to~~  
 1840 ~~the initial pleading~~. The statement may be served on a legal  
 1841 representative or natural guardian of a beneficiary without the  
 1842 filing of any proceeding or approval of any court.

1843 Section 68. Paragraph (c) of subsection (2) of section  
 1844 738.1041, Florida Statutes, is amended to read:

1845 738.1041 Total return unitrust.--

1846 (2) A trustee may, without court approval, convert an  
 1847 income trust to a total return unitrust, reconvert a total  
 1848 return unitrust to an income trust, or change the percentage

1849 used to calculate the unitrust amount or the method used to  
 1850 determine the fair market value of the trust if:

1851 (c) The trustee sends written notice of its intention to  
 1852 take such action, along with copies of such written statement  
 1853 and this section, and, if applicable, the determinations of  
 1854 either the trustee or the disinterested person to:

- 1855 1. The grantor of the trust, if living.
- 1856 2. All living persons who are currently receiving or  
 1857 eligible to receive distributions of income of the trust.
- 1858 3. All living persons who would receive distributions of  
 1859 principal of the trust if the trust were to terminate at the  
 1860 time of the giving of such notice (without regard to the  
 1861 exercise of any power of appointment) or, if the trust does not  
 1862 provide for its termination, all living persons who would  
 1863 receive or be eligible to receive distributions of income or  
 1864 principal of the trust if the persons identified in subparagraph  
 1865 2. were deceased.
- 1866 4. All persons acting as advisers or protectors of the  
 1867 trust.

1868  
 1869 Notice under this paragraph shall be served informally by  
 1870 delivering a copy or mailing it to the beneficiary, ~~in the~~  
 1871 ~~manner provided in the Florida Rules of Civil Procedure relating~~  
 1872 ~~to service of pleadings subsequent to the initial pleading.~~

1873 Notice may be served on a legal representative or natural  
 1874 guardian of a person without the filing of any proceeding or  
 1875 approval of any court;

1876 Section 69. Paragraph (b) of subsection (5), paragraph (h)

1877 of subsection (6), and paragraph (b) of subsection (9) of  
 1878 section 741.30, Florida Statutes, are amended to read:

1879       741.30 Domestic violence; injunction; powers and duties of  
 1880 court and clerk; petition; notice and hearing; temporary  
 1881 injunction; issuance of injunction; statewide verification  
 1882 system; enforcement.--

1883       (5)

1884       (b) In a hearing ex parte for the purpose of obtaining  
 1885 such ex parte temporary injunction, no evidence other than  
 1886 verified pleadings or affidavits shall be used as evidence,  
 1887 unless the respondent appears at the hearing or has received  
 1888 reasonable notice of the hearing. A denial of a petition for an  
 1889 ex parte injunction shall be by written order noting the legal  
 1890 grounds for denial. When the only ground for denial is no  
 1891 appearance of an immediate and present danger of domestic  
 1892 violence, the court shall set a full hearing on the petition for  
 1893 injunction with notice at the earliest possible time. Nothing  
 1894 herein affects a petitioner's right to promptly amend any  
 1895 petition, or otherwise be heard in person on any petition  
 1896 consistent with court rule ~~the Florida Rules of Civil Procedure~~.

1897       (6)

1898       (h) All proceedings under this subsection shall be  
 1899 recorded. Recording may be by electronic means ~~as provided by~~  
 1900 ~~the Rules of Judicial Administration~~.

1901       (9)

1902       (b) If the respondent is arrested by a law enforcement  
 1903 officer under s. 901.15(6) or for a violation of s. 741.31, the  
 1904 respondent shall be held in custody until brought before the

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1905 | court as expeditiously as possible for the purpose of enforcing  
 1906 | the injunction and for admittance to bail in accordance with  
 1907 | chapter 903 ~~and the applicable rules of criminal procedure,~~  
 1908 | pending a hearing.

1909 |       Section 70. Subsection (2) of section 742.16, Florida  
 1910 | Statutes, is amended to read:

1911 |           742.16 Expedited affirmation of parental status for  
 1912 | gestational surrogacy.--

1913 |       (2) After the petition is filed, the court shall fix a  
 1914 | time and place for hearing the petition, which may be  
 1915 | immediately after the filing of the petition. Notice of hearing  
 1916 | shall be given as prescribed by court rule ~~the rules of civil~~  
 1917 | ~~procedure~~, and service of process shall be made as specified by  
 1918 | law for civil actions.

1919 |       Section 71. Subsection (11) of section 742.18, Florida  
 1920 | Statutes, is amended to read:

1921 |           742.18 Disestablishment of paternity or termination of  
 1922 | child support obligation.--

1923 |       (11) Nothing in this section precludes an individual from  
 1924 | seeking relief from a final judgment, decree, order, or  
 1925 | proceeding pursuant to court rule 1.540, ~~Florida Rules of Civil~~  
 1926 | ~~Procedure~~, or from challenging a paternity determination  
 1927 | pursuant to s. 742.10(4).

1928 |       Section 72. Paragraph (d) of subsection (1) of section  
 1929 | 744.3025, Florida Statutes, is amended to read:

1930 |           744.3025 Claims of minors.--

1931 |       (1)

1932 |       (d) The duty of the guardian ad litem is to protect the

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1933 minor's interests ~~as described in the Florida Probate Rules.~~

1934 Section 73. Subsection (2) of section 744.307, Florida  
1935 Statutes, is amended to read:

1936 744.307 Foreign guardian may manage the property of  
1937 nonresident ward.--

1938 (2) The guardian shall designate a resident agent ~~as~~  
1939 ~~required by the Florida Probate Rules.~~

1940 Section 74. Subsection (2) of section 744.447, Florida  
1941 Statutes, is amended to read:

1942 744.447 Petition for authorization to act.--

1943 (2) No notice of a petition to authorize a sale of  
1944 perishable personal property or of property rapidly  
1945 deteriorating shall be required. Notice of a petition to perform  
1946 any other acts under s. 744.441 or s. 744.446 shall be given to  
1947 the ward, to the next of kin, if any, and to those interested  
1948 persons who have filed requests for notices and copies of  
1949 pleadings, ~~as provided in the Florida Probate Rules,~~ unless  
1950 waived by the court. Notice need not be given to a ward who is  
1951 under 14 years of age or who has been determined to be totally  
1952 incapacitated.

1953 Section 75. Section 765.105, Florida Statutes, is amended  
1954 to read:

1955 765.105 Review of surrogate or proxy's decision.--The  
1956 patient's family, the health care facility, or the attending  
1957 physician, or any other interested person who may reasonably be  
1958 expected to be directly affected by the surrogate or proxy's  
1959 decision concerning any health care decision may seek expedited  
1960 judicial intervention ~~pursuant to rule 5.900 of the Florida~~

1961 ~~Probate Rules,~~ if that person believes:

1962 (1) The surrogate or proxy's decision is not in accord  
 1963 with the patient's known desires or the provisions of this  
 1964 chapter;

1965 (2) The advance directive is ambiguous, or the patient has  
 1966 changed his or her mind after execution of the advance  
 1967 directive;

1968 (3) The surrogate or proxy was improperly designated or  
 1969 appointed, or the designation of the surrogate is no longer  
 1970 effective or has been revoked;

1971 (4) The surrogate or proxy has failed to discharge duties,  
 1972 or incapacity or illness renders the surrogate or proxy  
 1973 incapable of discharging duties;

1974 (5) The surrogate or proxy has abused powers; or

1975 (6) The patient has sufficient capacity to make his or her  
 1976 own health care decisions.

1977 Section 76. Section 765.113, Florida Statutes, is amended  
 1978 to read:

1979 765.113 Restrictions on providing consent.--Unless the  
 1980 principal expressly delegates such authority to the surrogate in  
 1981 writing, or a surrogate or proxy has sought and received court  
 1982 approval ~~pursuant to rule 5.900 of the Florida Probate Rules,~~ a  
 1983 surrogate or proxy may not provide consent for:

1984 (1) Abortion, sterilization, electroshock therapy,  
 1985 psychosurgery, experimental treatments that have not been  
 1986 approved by a federally approved institutional review board in  
 1987 accordance with 45 C.F.R. part 46 or 21 C.F.R. part 56, or  
 1988 voluntary admission to a mental health facility.

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1989 (2) Withholding or withdrawing life-prolonging procedures  
 1990 from a pregnant patient prior to viability as defined in s.  
 1991 390.0111(4).

1992 Section 77. Paragraph (a) of subsection (3) of section  
 1993 768.81, Florida Statutes, is amended to read:

1994 768.81 Comparative fault.--

1995 (3) APPORTIONMENT OF DAMAGES.--In cases to which this  
 1996 section applies, the court shall enter judgment against each  
 1997 party liable on the basis of such party's percentage of fault  
 1998 and not on the basis of the doctrine of joint and several  
 1999 liability.

2000 (a) In order to allocate any or all fault to a nonparty, a  
 2001 defendant must affirmatively plead the fault of a nonparty and,  
 2002 absent a showing of good cause, identify the nonparty, if known,  
 2003 or describe the nonparty as specifically as practicable, either  
 2004 by motion or in the initial responsive pleading when defenses  
 2005 are first presented, subject to amendment any time before trial  
 2006 in accordance with court rule ~~the Florida Rules of Civil~~  
 2007 ~~Procedure~~.

2008 Section 78. Paragraph (b) of subsection (9) of section  
 2009 784.046, Florida Statutes, is amended to read:

2010 784.046 Action by victim of repeat violence, sexual  
 2011 violence, or dating violence for protective injunction; powers  
 2012 and duties of court and clerk of court; filing and form of  
 2013 petition; notice and hearing; temporary injunction; issuance;  
 2014 statewide verification system; enforcement.--

2015 (9)

2016 (b) If the respondent is arrested by a law enforcement



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2017 officer under s. 901.15(6) for committing an act of repeat  
 2018 violence, sexual violence, or dating violence in violation of an  
 2019 injunction for protection, the respondent shall be held in  
 2020 custody until brought before the court as expeditiously as  
 2021 possible for the purpose of enforcing the injunction and for  
 2022 admittance to bail in accordance with chapter 903 ~~and the~~  
 2023 ~~applicable rules of criminal procedure~~, pending a hearing.

2024 Section 79. Subsection (4) of section 790.157, Florida  
 2025 Statutes, is amended to read:

2026 790.157 Presumption of impairment; testing methods.--

2027 ~~(4) Any person charged with using a firearm while under~~  
 2028 ~~the influence of alcoholic beverages or controlled substances to~~  
 2029 ~~the extent that his or her normal faculties were impaired,~~  
 2030 ~~whether in a municipality or not, shall be entitled to trial by~~  
 2031 ~~jury according to the Florida Rules of Criminal Procedure.~~

2032 Section 80. Paragraph (h) of subsection (8) of section  
 2033 896.101, Florida Statutes, is amended to read:

2034 896.101 Florida Money Laundering Act; definitions;  
 2035 penalties; injunctions; seizure warrants; immunity.--

2036 (8)

2037 (h) Only the lawful owner or the account holder of the  
 2038 monetary instruments or funds being enjoined may request a  
 2039 hearing to contest the order entered pursuant to this section by  
 2040 petitioning the court that issued the order. A hearing must be  
 2041 held within 3 days after the request or as soon as practicable  
 2042 thereafter and before the expiration of the temporary order. The  
 2043 hearing must be set and noticed by the lawful owner of the  
 2044 monetary instruments or funds or his or her attorney. Notice of

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2045 the hearing must be provided to the petitioner who procured the  
 2046 temporary injunction ~~pursuant to the Florida Rules of Civil~~  
 2047 ~~Procedure but~~ not less than 24 hours before the scheduled  
 2048 hearing. The court may receive and consider at a hearing held  
 2049 pursuant to this subsection, evidence and information that would  
 2050 be inadmissible under the Florida Rules of Evidence. A  
 2051 proceeding under this subsection is governed by the Florida  
 2052 Rules of Civil Procedure.

2053 Section 81. Subsection (2) of section 916.13, Florida  
 2054 Statutes, is amended to read:

2055 916.13 Involuntary commitment of defendant adjudicated  
 2056 incompetent.--

2057 (2) A defendant who has been charged with a felony and who  
 2058 has been adjudicated incompetent to proceed due to mental  
 2059 illness, and who meets the criteria for involuntary commitment  
 2060 to the department under the provisions of this chapter, may be  
 2061 committed to the department, and the department shall retain and  
 2062 treat the defendant. No later than 6 months after the date of  
 2063 admission and at the end of any period of extended commitment,  
 2064 or at any time the administrator or designee shall have  
 2065 determined that the defendant has regained competency to proceed  
 2066 or no longer meets the criteria for continued commitment, the  
 2067 administrator or designee shall file a report with the court  
 2068 ~~pursuant to the applicable Florida Rules of Criminal Procedure.~~

2069 Section 82. Subsection (3) of section 916.15, Florida  
 2070 Statutes, is amended to read:

2071 916.15 Involuntary commitment of defendant adjudicated not  
 2072 guilty by reason of insanity.--

2073           (3) Every defendant acquitted of criminal charges by  
 2074 reason of insanity and found to meet the criteria for  
 2075 involuntary commitment may be committed and treated in  
 2076 accordance with the provisions of this section and the  
 2077 applicable Florida Rules of Criminal Procedure. The department  
 2078 shall admit a defendant so adjudicated to an appropriate  
 2079 facility or program for treatment and shall retain and treat  
 2080 such defendant. No later than 6 months after the date of  
 2081 admission, prior to the end of any period of extended  
 2082 commitment, or at any time the administrator or designee shall  
 2083 have determined that the defendant no longer meets the criteria  
 2084 for continued commitment placement, the administrator or  
 2085 designee shall file a report with the court ~~pursuant to the~~  
 2086 ~~applicable Florida Rules of Criminal Procedure.~~

2087           Section 83. Paragraph (a) of subsection (2) of section  
 2088 916.302, Florida Statutes, is amended to read:

2089           916.302 Involuntary commitment of defendant determined to  
 2090 be incompetent to proceed.--

2091           (2) ADMISSION TO A FACILITY.--

2092           (a) A defendant who has been charged with a felony and who  
 2093 is found to be incompetent to proceed due to retardation or  
 2094 autism, and who meets the criteria for involuntary commitment to  
 2095 the agency under the provisions of this chapter, shall be  
 2096 committed to the agency, and the agency shall retain and provide  
 2097 appropriate training for the defendant. No later than 6 months  
 2098 after the date of admission or at the end of any period of  
 2099 extended commitment or at any time the administrator or designee  
 2100 shall have determined that the defendant has regained competency

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2101 to proceed or no longer meets the criteria for continued  
 2102 commitment, the administrator or designee shall file a report  
 2103 with the court pursuant to this chapter ~~and the applicable~~  
 2104 ~~Florida Rules of Criminal Procedure.~~

2105 Section 84. Paragraph (g) of subsection (1) of section  
 2106 924.07, Florida Statutes, is amended to read:

2107 924.07 Appeal by state.--

2108 (1) The state may appeal from:

2109 (g) An order adjudicating a defendant insane ~~under the~~  
 2110 ~~Florida Rules of Criminal Procedure.~~

2111 Section 85. Paragraph (a) of subsection (6) of section  
 2112 932.704, Florida Statutes, is amended to read:

2113 932.704 Forfeiture proceedings.--

2114 (6) (a) If the property is required by law to be titled or  
 2115 registered, or if the owner of the property is known in fact to  
 2116 the seizing agency, or if the seized property is subject to a  
 2117 perfected security interest in accordance with the Uniform  
 2118 Commercial Code, chapter 679, the attorney for the seizing  
 2119 agency shall serve the forfeiture complaint ~~as an original~~  
 2120 ~~service of process under the Florida Rules of Civil Procedure~~  
 2121 ~~and other applicable law~~ to each person having an ownership or  
 2122 security interest in the property. The seizing agency shall also  
 2123 publish, in accordance with chapter 50, notice of the forfeiture  
 2124 complaint once each week for 2 consecutive weeks in a newspaper  
 2125 of general circulation, as defined in s. 165.031, in the county  
 2126 where the seizure occurred.

2127 Section 86. Paragraph (d) of subsection (12) of section  
 2128 984.03, Florida Statutes, is amended to read:

2129 984.03 Definitions.--When used in this chapter, the term:  
 2130 (12) "Child who is found to be dependent" or "dependent  
 2131 child" means a child who, pursuant to this chapter, is found by  
 2132 the court:

2133 (d) To have been voluntarily placed with a licensed child-  
 2134 placing agency for the purposes of subsequent adoption and a  
 2135 natural parent or parents have consented to termination of  
 2136 parental rights ~~signed a consent pursuant to the Florida Rules~~  
 2137 ~~of Juvenile Procedure.~~

2138 Section 87. Subsection (6) of section 984.04, Florida  
 2139 Statutes, is amended to read:

2140 984.04 Families in need of services and children in need  
 2141 of services; procedures and jurisdiction.--

2142 ~~(6) All procedures, including petitions, pleadings,~~  
 2143 ~~subpoenas, summonses, and hearings, in family in need of~~  
 2144 ~~services cases and child in need of services cases shall be~~  
 2145 ~~according to the Florida Rules of Juvenile Procedure unless~~  
 2146 ~~otherwise provided by law.~~

2147 Section 88. Subsection (13) of section 984.19, Florida  
 2148 Statutes, is amended to read:

2149 984.19 Medical screening and treatment of child;  
 2150 examination of parent, guardian, or person requesting custody.--

2151 (13) At any time after the filing of a petition for a  
 2152 child in need of services, when the mental or physical  
 2153 condition, including the blood group, of a parent, guardian, or  
 2154 other person requesting custody of a child is in controversy,  
 2155 the court may order the person to submit to a physical or mental  
 2156 examination by a qualified professional. The order may be made

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2157 only upon good cause shown and pursuant to notice ~~and procedures~~  
 2158 ~~as set forth by the Florida Rules of Juvenile Procedure.~~

2159 Section 89. Paragraphs (a) and (b) of subsection (1) and  
 2160 paragraphs (a) and (b) of subsection (2) of section 984.20,  
 2161 Florida Statutes, are amended to read:

2162 984.20 Hearings for child-in-need-of-services cases.--

2163 (1) ARRAIGNMENT HEARING.--

2164 (a) When a child has been taken into custody by order of  
 2165 the court, an arraignment hearing shall be held within 7 days  
 2166 after the date the child is taken into custody. The hearing  
 2167 shall be held for the child and the parent, guardian, or  
 2168 custodian to admit, deny, or consent to findings that a child is  
 2169 in need of services as alleged in the petition. If the child and  
 2170 the parent, guardian, or custodian admit or consent to the  
 2171 findings in the petition, the court shall proceed ~~as set forth~~  
 2172 ~~in the Florida Rules of Juvenile Procedure.~~ However, if either  
 2173 the child or the parent, guardian, or custodian denies any of  
 2174 the allegations of the petition, the court shall hold an  
 2175 adjudicatory hearing within 7 days after the date of the  
 2176 arraignment hearing.

2177 (b) When a child is in the custody of the parent,  
 2178 guardian, or custodian, upon the filing of a petition, the clerk  
 2179 shall set a date for an arraignment hearing within a reasonable  
 2180 time from the date of the filing of the petition. If the child  
 2181 and the parent, guardian, or custodian admit or consent to an  
 2182 adjudication, the court shall proceed ~~as set forth in the~~  
 2183 ~~Florida Rules of Juvenile Procedure.~~ However, if either the  
 2184 child or the parent, guardian, or custodian denies any of the

2185 | allegations of child in need of services, the court shall hold  
 2186 | an adjudicatory hearing within a reasonable time from the date  
 2187 | of the arraignment hearing.

2188 | (2) ADJUDICATORY HEARING.--

2189 | (a) The adjudicatory hearing shall be held as soon as  
 2190 | practicable after the petition for a child in need of services  
 2191 | is filed ~~and in accordance with the Florida Rules of Juvenile~~  
 2192 | ~~Procedure~~, but reasonable delay for the purpose of  
 2193 | investigation, discovery, or procuring counsel or witnesses  
 2194 | shall, whenever practicable, be granted. If the child is in  
 2195 | custody, the adjudicatory hearing shall be held within 14 days  
 2196 | after the date the child was taken into custody.

2197 | (b) Adjudicatory hearings shall be conducted by the judge  
 2198 | without a jury, ~~applying the rules of evidence in use in civil~~  
 2199 | ~~cases and adjourning the hearings from time to time as~~  
 2200 | ~~necessary~~. In a hearing on a petition in which it is alleged  
 2201 | that the child is a child in need of services, a preponderance  
 2202 | of evidence shall be required to establish that the child is in  
 2203 | need of services.

2204 | Section 90. Paragraph (e) of subsection (4) and paragraph  
 2205 | (d) of subsection (6) of section 985.19, Florida Statutes, are  
 2206 | amended to read:

2207 | 985.19 Incompetency in juvenile delinquency cases.--

2208 | (4) A child who is determined to have mental illness,  
 2209 | mental retardation, or autism, who has been adjudicated  
 2210 | incompetent to proceed, and who meets the criteria set forth in  
 2211 | subsection (3), must be committed to the Department of Children  
 2212 | and Family Services and receive treatment or training in a

2213 | secure facility or program that is the least restrictive  
 2214 | alternative consistent with public safety. Any placement of a  
 2215 | child to a secure residential program must be separate from  
 2216 | adult forensic programs. If the child attains competency, then  
 2217 | custody, case management, and supervision of the child will be  
 2218 | transferred to the department in order to continue delinquency  
 2219 | proceedings; however, the court retains authority to order the  
 2220 | Department of Children and Family Services to provide continued  
 2221 | treatment or training to maintain competency.

2222 |       (e) The service provider must file a written report with  
 2223 | the court ~~pursuant to the applicable Florida Rules of Juvenile~~  
 2224 | ~~Procedure~~ not later than 6 months after the date of commitment,  
 2225 | or at the end of any period of extended treatment or training,  
 2226 | and at any time the Department of Children and Family Services,  
 2227 | through its service provider determines the child has attained  
 2228 | competency or no longer meets the criteria for secure placement,  
 2229 | or at such shorter intervals as ordered by the court. A copy of  
 2230 | a written report evaluating the child's competency must be filed  
 2231 | by the provider with the court and with the state attorney, the  
 2232 | child's attorney, the department, and the Department of Children  
 2233 | and Family Services.

2234 |       (6)

2235 |       (d) The service provider must file a written report with  
 2236 | the court ~~pursuant to the applicable Florida Rules of Juvenile~~  
 2237 | ~~Procedure~~, not later than 6 months after the date of commitment,  
 2238 | at the end of any period of extended treatment or training, and  
 2239 | at any time the service provider determines the child has  
 2240 | attained competency or will never attain competency, or at such



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2241 shorter intervals as ordered by the court. A copy of a written  
 2242 report evaluating the child's competency must be filed by the  
 2243 provider with the court, the state attorney, the child's  
 2244 attorney, the Department of Children and Family Services, and  
 2245 the department.

2246 Section 91. Paragraph (g) of subsection (1) of section  
 2247 985.255, Florida Statutes, is amended to read:

2248 985.255 Detention criteria; detention hearing.--

2249 (1) Subject to s. 985.25(1), a child taken into custody  
 2250 and placed into nonsecure or home detention care or detained in  
 2251 secure detention care prior to a detention hearing may continue  
 2252 to be detained by the court if:

2253 (g) The child is charged with any second degree or third  
 2254 degree felony involving a violation of chapter 893 or any third  
 2255 degree felony that is not also a crime of violence, and the  
 2256 child:

- 2257 1. Has a record of failure to appear at court hearings  
 2258 after being properly notified ~~in accordance with the Rules of~~  
 2259 ~~Juvenile Procedure;~~
- 2260 2. Has a record of law violations prior to court hearings;
- 2261 3. Has already been detained or has been released and is  
 2262 awaiting final disposition of the case;
- 2263 4. Has a record of violent conduct resulting in physical  
 2264 injury to others; or
- 2265 5. Is found to have been in possession of a firearm.

2266 Section 92. Subsection (6) of section 985.26, Florida  
 2267 Statutes, is amended to read:

2268 985.26 Length of detention.--

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2269 (6) If a child is detained and a petition for delinquency  
 2270 is filed, the child shall be arraigned ~~in accordance with the~~  
 2271 ~~Florida Rules of Juvenile Procedure~~ within 48 hours after the  
 2272 filing of the petition for delinquency.

2273 Section 93. Subsection (1) of section 985.35, Florida  
 2274 Statutes, is amended to read:

2275 985.35 Adjudicatory hearings; withheld adjudications;  
 2276 orders of adjudication.--

2277 (1) The adjudicatory hearing must be held as soon as  
 2278 practicable after the petition alleging that a child has  
 2279 committed a delinquent act or violation of law is filed ~~and in~~  
 2280 ~~accordance with the Florida Rules of Juvenile Procedure~~; but  
 2281 reasonable delay for the purpose of investigation, discovery, or  
 2282 procuring counsel or witnesses shall be granted. If the child is  
 2283 being detained, the time limitations in s. 985.26(2) and (3)  
 2284 apply.

2285 Section 94. Paragraph (b) of subsection (1) of section  
 2286 985.534, Florida Statutes, is amended to read:

2287 985.534 Appeal.--

2288 (1) An appeal from an order of the court affecting a party  
 2289 to a case involving a child under this chapter may be taken to  
 2290 the appropriate district court of appeal within the time and in  
 2291 the manner prescribed by s. 924.051 and the Florida Rules of  
 2292 Appellate Procedure by:

2293 (b) The state, which may appeal from:

- 2294 1. An order dismissing a petition or any section thereof;
- 2295 2. An order granting a new adjudicatory hearing;
- 2296 3. An order arresting judgment;

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- 2297           4. A ruling on a question of law when the child is  
 2298 adjudicated delinquent and appeals from the judgment;  
 2299           5. The disposition, on the ground that it is illegal;  
 2300           6. A judgment discharging a child on habeas corpus;  
 2301           7. An order adjudicating a child insane ~~under the Florida~~  
 2302 ~~Rules of Juvenile Procedure~~; and  
 2303           8. All other preadjudicatory hearings, except that the  
 2304 state may not take more than one appeal under this subsection in  
 2305 any case.  
 2306  
 2307 In the case of an appeal by the state, the notice of appeal  
 2308 shall be filed by the appropriate state attorney or his or her  
 2309 authorized assistant under s. 27.18. Such an appeal shall embody  
 2310 all assignments of error in each preadjudicatory hearing order  
 2311 that the state seeks to have reviewed. The state shall pay all  
 2312 costs of the appeal except for the child's attorney's fee.  
 2313           Section 95. This act shall take effect July 1, 2008.