

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. 409.2563, F.S.;

86 removing a reference to court rule relating to the

87 administrative establishment of child support obligations;

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

89 court rules regarding service of process; amending s.

90 415.1045, F.S.; removing specific reference to a court

91 rule relating to medical examinations; amending s.

92 415.1051, F.S.; removing specific reference to a court

93 rule relating to emergency protective services

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

95 reference to a specific chapter of court rules relating to

96 informal discovery; revising provisions relating to

97 informal discovery used to obtain unsworn statements;

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

99 court rule relating to the definition of expert witnesses;

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

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

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

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

104 to state minimum wage and annual wage adjustment; amending

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

106 rule relating to the furnishing of patient records;

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

108 rules relating to delegation of investment functions;

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

110 court rule relating to an administrative remedy for

111 alleged damage due to the use of explosives in mining;

112 amending ss. 607.0505 and 617.0503, F.S.; removing

113 reference to court rules relating to registered agents of  
114 corporations; amending s. 713.346, F.S.; removing a  
115 reference to bond requirements in court rules relating to  
116 payment on construction contracts; amending s. 718.1255,  
117 F.S.; removing a reference to court rules relating to  
118 mandatory nonbinding arbitration and mediation of  
119 disputes; providing a reference to a specific chapter  
120 relating to mandatory nonbinding arbitration and mediation  
121 of disputes; amending s. 720.311, F.S.; removing a  
122 reference to court rules relating to dispute resolution;  
123 providing reference to a specific chapter relating to  
124 dispute resolution; amending s. 723.0381, F.S.; removing a  
125 reference to court rules relating to civil arbitration  
126 actions; amending s. 726.108, F.S.; removing a reference  
127 to court rules relating to remedies of creditors; amending  
128 s. 727.104, F.S.; removing a reference to court rules  
129 relating to commencement of proceedings; amending s.  
130 731.011, F.S.; removing a reference to court rules  
131 relating to determination and procedure of substantive  
132 rights; amending s. 732.107, F.S.; removing a reference to  
133 court rules relating to escheat; amending s. 733.101,  
134 F.S.; removing a reference to court rules relating to  
135 venue of probate proceedings; amending s. 733.212, F.S.;  
136 removing a reference to court rules relating to notice of  
137 administration; amending s. 733.6171, F.S.; removing a  
138 reference to court rules relating to compensation of  
139 attorneys for the personal representative; amending s.  
140 733.705, F.S.; removing a reference to court rules

141 relating to the payment of and objection to claims;  
 142 amending s. 734.102, F.S.; removing a reference to court  
 143 rules relating to ancillary administration; amending s.  
 144 736.0109, F.S.; removing a reference to certain court  
 145 rules relating to methods and waiver of notice; amending  
 146 s. 738.104, F.S.; removing a reference to court rules  
 147 relating to a trustee's power to adjust; providing for  
 148 delivering or mailing a copy of the statement to the  
 149 beneficiary relating to a trustee's power to adjust;  
 150 amending s. 738.1041, F.S.; removing a reference to court  
 151 rules relating to a total return unitrust; providing for  
 152 delivering or mailing a copy of the statement to the  
 153 beneficiary relating to total return unitrust; amending s.  
 154 741.30, F.S.; removing a reference to certain court rules  
 155 relating to injunctions for domestic violence; amending s.  
 156 742.16, F.S.; removing a reference to certain court rules  
 157 relating to expedited affirmation of parent status for  
 158 gestational surrogacy; amending s. 742.18, F.S.; removing  
 159 specific reference to a court rule relating to  
 160 disestablishment of paternity or termination of a child  
 161 support obligation; amending s. 744.3025, F.S.; removing a  
 162 reference to court rules relating to claims of minors;  
 163 amending s. 744.307, F.S.; removing a reference to court  
 164 rules relating to foreign guardians; amending s. 744.447,  
 165 F.S.; removing a reference to court rules relating to a  
 166 petition for authorization to act; amending s. 765.105,  
 167 F.S.; removing specific reference to a court rule relating  
 168 to the review of a decision by a surrogate or proxy;

169 amending s. 765.113, F.S.; removing specific reference to  
170 a court rule relating to restrictions on providing  
171 consent; amending s. 768.81, F.S.; removing a reference to  
172 certain court rules relating to apportionment of damages  
173 in comparative fault; amending s. 784.046, F.S.; removing  
174 a reference to court rules relating to repeat violence,  
175 sexual violence, or dating violence; amending s. 790.157,  
176 F.S.; removing a reference to trial by jury in court rules  
177 relating to the presumption of impairment; amending s.  
178 896.101, F.S.; removing a reference to court rules  
179 relating to the Florida Money Laundering Act; amending s.  
180 916.13, F.S.; removing a reference to court rules relating  
181 to involuntary commitment of a defendant who is  
182 adjudicated incompetent; amending s. 916.15, F.S.;  
183 removing a reference to court rules relating to  
184 involuntary commitment of a defendant who is adjudicated  
185 not guilty by reason of insanity; amending s. 916.302,  
186 F.S.; removing a reference to court rules relating to  
187 involuntary commitment of a defendant who is determined  
188 incompetent to proceed; amending s. 924.07, F.S.; removing  
189 a reference to court rules relating to appeals by the  
190 state; amending s. 932.704, F.S.; removing a reference to  
191 court rules relating to forfeiture proceedings; amending  
192 s. 984.03, F.S.; removing a reference to court rules  
193 relating to the definition of a dependent child;  
194 redefining the term "dependent child"; amending s. 984.04,  
195 F.S.; removing a reference to court rules relating to  
196 families and children in need of services; amending s.

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

211

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

213

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

216 27.51 Duties of public defender.--

217 (5) (a) When direct appellate proceedings prosecuted by a  
 218 public defender on behalf of an accused and challenging a  
 219 judgment of conviction and sentence of death terminate in an  
 220 affirmance of such conviction and sentence, whether by the  
 221 Florida Supreme Court or by the United States Supreme Court or  
 222 by expiration of any deadline for filing such appeal in a state  
 223 or federal court, the public defender shall notify the accused  
 224 of his or her rights to file a motion to vacate, set aside, or

225 correct sentence pursuant to court rule ~~3.850, Florida Rules of~~  
 226 ~~Criminal Procedure~~, including any time limits pertinent thereto,  
 227 and shall advise such person that representation in any  
 228 collateral proceedings is the responsibility of the capital  
 229 collateral regional counsel. The public defender shall then  
 230 forward all original files on the matter to the capital  
 231 collateral regional counsel, retaining such copies for his or  
 232 her files as may be desired. However, the trial court shall  
 233 retain the power to appoint the public defender or other  
 234 attorney not employed by the capital collateral regional counsel  
 235 to represent such person in proceedings for relief by executive  
 236 clemency pursuant to ss. 27.40 and 27.5303.

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

239 34.01 Jurisdiction of county court.--

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

253 (6) (e), Art. VIII of the State Constitution of 1968.

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

256 34.011 Jurisdiction in landlord and tenant cases.--

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

268 Section 4. Paragraph (d) of subsection (14) of section  
 269 39.01, Florida Statutes, is amended to read:

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

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

274 (d) To have been voluntarily placed with a licensed child-  
 275 placing agency for the purposes of subsequent adoption, and a  
 276 parent or parents have signed a consent to termination of  
 277 parental rights ~~pursuant to the Florida Rules of Juvenile~~  
 278 ~~Procedure;~~

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

281 39.4086 Pilot program for attorneys ad litem for dependent  
 282 children.--

283 ~~(3) STANDARDS. The Supreme Court is requested, by October~~  
 284 ~~1, 2000, to adopt rules of juvenile procedure which include the~~  
 285 ~~duties, responsibilities, and conduct of an attorney ad litem.~~  
 286 ~~The Office of the State Courts Administrator, in consultation~~  
 287 ~~with the Dependency Court Improvement Committee of the Supreme~~  
 288 ~~Court, shall develop implementation guidelines for the attorney~~  
 289 ~~ad litem pilot program.~~

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

292 39.504 Injunction pending disposition of petition;  
 293 penalty.--

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

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

307 39.507 Adjudicatory hearings; orders of adjudication.--

308 (1)(a) The adjudicatory hearing shall be held as soon as

309 practicable after the petition for dependency is filed and in  
 310 accordance with court rule ~~the Florida Rules of Juvenile~~  
 311 ~~Procedure~~, but no later than 30 days after the arraignment.

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

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

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

327 39.603 Court approvals of case planning.--

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

332 (a) All parties who were notified and are in attendance at  
 333 the hearing, either in person or through a legal representative.  
 334 The court may appoint a guardian ad litem ~~under Rule 1.210,~~  
 335 ~~Florida Rules of Civil Procedure~~, to represent the interests of  
 336 any parent, if the location of the parent is known but the

337 parent is not present at the hearing and the development of the  
 338 plan is based upon the physical, emotional, or mental condition  
 339 or physical location of the parent.

340 (d) In involuntary placements, whether each parent was  
 341 notified of the right to counsel at each stage of the dependency  
 342 proceedings, ~~in accordance with the Florida Rules of Juvenile~~  
 343 ~~Procedure.~~

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

346 39.701 Judicial review.--

347 (2)

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

360 (c) Notice of a hearing by a citizen review panel must be  
 361 provided as set forth in subsection (5). At the conclusion of a  
 362 citizen review panel hearing, each party may propose a  
 363 recommended order to the chairperson of the panel. Thereafter,  
 364 the citizen review panel shall submit its report, copies of the

365 proposed recommended orders, and a copy of the panel's  
 366 recommended order to the court. The citizen review panel's  
 367 recommended order must be limited to the dispositional options  
 368 available to the court in subsection (9). Each party may file  
 369 exceptions to the report and recommended order of the citizen  
 370 review panel ~~in accordance with Rule 1.490, Florida Rules of~~  
 371 ~~Civil Procedure.~~

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

374 39.801 Procedures and jurisdiction; notice; service of  
 375 process.--

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

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

384 (b)(e) Notice as prescribed by this section may be waived,  
 385 in the discretion of the judge, with regard to any person to  
 386 whom notice must be given under this subsection if the person  
 387 executes, before two witnesses and a notary public or other  
 388 officer authorized to take acknowledgments, a written surrender  
 389 of the child to a licensed child-placing agency or the  
 390 department.

391 (c)(d) If the person served with notice under this section  
 392 fails to personally appear at the advisory hearing, the failure

393 to personally appear shall constitute consent for termination of  
 394 parental rights by the person given notice. If a parent appears  
 395 for the advisory hearing and the court orders that parent to  
 396 personally appear at the adjudicatory hearing for the petition  
 397 for termination of parental rights, stating the date, time, and  
 398 location of said hearing, then failure of that parent to  
 399 personally appear at the adjudicatory hearing shall constitute  
 400 consent for termination of parental rights.

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

403 39.802 Petition for termination of parental rights;  
 404 filing; elements.--

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

410 Section 12. Paragraph (d) of subsection (2) of section  
 411 39.807, Florida Statutes, is amended to read:

412 39.807 Right to counsel; guardian ad litem.--

413 (2)

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

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

419 39.824 Procedures and jurisdiction.--

420 (1) ~~The Supreme Court is requested to adopt rules of~~

421 ~~juvenile procedure by October 1, 1989, to implement this part.~~

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

426 Section 14. Section 39.825, Florida Statutes, is amended  
 427 to read:

428 39.825 Petition for appointment of a guardian advocate.--A  
 429 petition for appointment of a guardian advocate may be filed by  
 430 the department, any relative of the child, any licensed health  
 431 care professional, or any other interested person. The petition  
 432 shall be in writing and shall be signed by the petitioner under  
 433 oath stating his or her good faith in filing the petition. ~~The~~  
 434 ~~form of the petition and its contents shall be determined by the~~  
 435 ~~Florida Rules of Juvenile Procedure.~~

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

438 48.27 Certified process servers.--

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

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

447 55.503 Recording and status of foreign judgments; fees.--

448 (1) A copy of any foreign judgment certified in accordance

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

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

461 56.29 Proceedings supplementary.--

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

467 Section 18. Paragraph (b) of subsection (2) of section  
 468 61.1301, Florida Statutes, is amended to read:

469 61.1301 Income deduction orders.--

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

471 (b)1. Service by or upon any person who is a party to a  
 472 proceeding under this section shall be made in the manner  
 473 prescribed in court rule ~~the Florida Rules of Civil Procedure~~  
 474 for service upon parties.

475 2. Service upon an obligor's payor or successor payor  
 476 under this section shall be made by prepaid certified mail,

477 return receipt requested, or in the manner prescribed in chapter  
 478 48.

479 Section 19. Paragraph (a) of subsection (6) of section  
 480 61.14, Florida Statutes, is amended to read:

481 61.14 Enforcement and modification of support,  
 482 maintenance, or alimony agreements or orders.--

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

497 2. A certified statement by the local depository  
 498 evidencing a delinquency in support payments constitute evidence  
 499 of the final judgment under this paragraph.

500 3. The judgment under this paragraph is a final judgment  
 501 as to any unpaid payment or installment of support which has  
 502 accrued up to the time either party files a motion with the  
 503 court to alter or modify the support order, and such judgment  
 504 may not be modified by the court. The court may modify such

505 judgment as to any unpaid payment or installment of support  
 506 which accrues after the date of the filing of the motion to  
 507 alter or modify the support order. This subparagraph does not  
 508 prohibit the court from providing relief from the judgment  
 509 pursuant to court rule ~~1.540, Florida Rules of Civil Procedure.~~

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

512 61.16 Attorney's fees, suit money, and costs.--

513 (2) In an action for contempt ~~brought pursuant to Rule~~  
 514 ~~3.840, Florida Rules of Criminal Procedure,~~ whether denominated  
 515 direct or indirect criminal contempt, the court shall have  
 516 authority to:

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

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

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

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

525 63.087 Proceeding to terminate parental rights pending  
 526 adoption; general provisions.--

527 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a  
 528 summons to be issued ~~substantially in the form provided in Form~~  
 529 ~~1.902, Florida Rules of Civil Procedure.~~ The petition and  
 530 summons shall be served upon any person whose consent has been  
 531 provided but who has not waived service of the pleadings and  
 532 notice of the hearing thereon and also upon any person whose

533 consent is required but who has not provided that consent.

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

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

549 (b) Be given an opportunity to deny the allegations in the  
 550 petition.

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

553 63.122 Notice of hearing on petition.--

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

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

560 68.083 Civil actions for false claims.--

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

570 Section 24. Section 83.231, Florida Statutes, is amended  
 571 to read:

572 83.231 Removal of tenant; judgment.--If the issues are  
 573 found for plaintiff, judgment shall be entered that plaintiff  
 574 recover possession of the premises. If the plaintiff expressly  
 575 and specifically sought money damages in the complaint, in  
 576 addition to awarding possession of the premises to the  
 577 plaintiff, the court shall also direct, in an amount which is  
 578 within its jurisdictional limitations, the entry of a money  
 579 judgment in favor of the plaintiff and against the defendant for  
 580 the amount of money found due, owing, and unpaid by the  
 581 defendant, with costs. However, no money judgment shall be  
 582 entered unless service of process has been effected by personal  
 583 service or, where authorized by law, by certified or registered  
 584 mail, return receipt, or in any other manner prescribed by law  
 585 or the rules of the court, ~~and no money judgment may be entered~~  
 586 ~~except in compliance with the Florida Rules of Civil Procedure.~~  
 587 Where otherwise authorized by law, the plaintiff in the judgment  
 588 for possession and money damages may also be awarded attorney's

589 fees and costs. If the issues are found for defendant, judgment  
590 shall be entered dismissing the action.

591 Section 25. Section 83.625, Florida Statutes, is amended  
592 to read:

593 83.625 Power to award possession and enter money  
594 judgment.--In an action by the landlord for possession of a  
595 dwelling unit based upon nonpayment of rent, if the court finds  
596 the rent is due, owing, and unpaid and by reason thereof the  
597 landlord is entitled to possession of the premises, the court,  
598 in addition to awarding possession of the premises to the  
599 landlord, shall direct, in an amount which is within its  
600 jurisdictional limitations, the entry of a money judgment with  
601 costs in favor of the landlord and against the tenant for the  
602 amount of money found due, owing, and unpaid by the tenant to  
603 the landlord. However, no money judgment shall be entered unless  
604 service of process has been effected by personal service or,  
605 where authorized by law, by certified or registered mail, return  
606 receipt, or in any other manner prescribed by law or the rules  
607 of the court, ~~and no money judgment may be entered except in~~  
608 ~~compliance with the Florida Rules of Civil Procedure.~~ The  
609 prevailing party in the action may also be awarded attorney's  
610 fees and costs.

611 Section 26. Paragraph (c) of subsection (3) of section  
612 222.30, Florida Statutes, is amended to read:

613 222.30 Fraudulent asset conversions.--

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

616 (c) Subject to applicable principles of equity ~~and in~~

617 ~~accordance with applicable rules of civil procedure:~~

618 1. An injunction against further conversion by the debtor  
619 of the asset or of other property.

620 2. Any other relief the circumstances may require.

621 Section 27. Paragraph (b) of subsection (4) of section  
622 255.071, Florida Statutes, is amended to read:

623 255.071 Payment of subcontractors, sub-subcontractors,  
624 materialmen, and suppliers on construction contracts for public  
625 projects.--

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

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

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

638 316.1934 Presumption of impairment; testing methods.--

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

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

644 327.354 Presumption of impairment; testing methods.--

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

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

650 364.183 Access to company records.--

651 (2) Discovery in any docket or proceeding before the  
652 commission shall be in the manner provided for in ~~Rule 1.280 of~~  
653 the Florida Rules of Civil Procedure. Upon a showing by a  
654 company or other person and a finding by the commission that  
655 discovery will require the disclosure of proprietary  
656 confidential business information, the commission shall issue an  
657 appropriate protective order designating the manner for handling  
658 such information during the course of the proceeding and for  
659 protecting such information from disclosure outside the  
660 proceeding. Such proprietary confidential business information  
661 shall be exempt from s. 119.07(1). Any records provided pursuant  
662 to a discovery request for which proprietary confidential  
663 business information status is requested shall be treated by the  
664 commission and the Office of the Public Counsel and any other  
665 party subject to the public records law as confidential and  
666 shall be exempt from s. 119.07(1), pending a formal ruling on  
667 such request by the commission or the return of the records to  
668 the person providing the records. Any record which has been  
669 determined to be proprietary confidential business information  
670 and is not entered into the official record of the proceeding  
671 shall be returned to the person providing the record within 60  
672 days after the final order, unless the final order is appealed.

673 If the final order is appealed, any such record shall be  
674 returned within 30 days after the decision on appeal. The  
675 commission shall adopt the necessary rules to implement this  
676 subsection.

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

679 366.093 Public utility records; confidentiality.--

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

701 formal ruling on such request by the commission or the return of  
702 the records to the person providing the records. Any record  
703 which has been determined to be proprietary confidential  
704 business information and is not entered into the official record  
705 of the proceeding must be returned to the person providing the  
706 record within 60 days after the final order, unless the final  
707 order is appealed. If the final order is appealed, any such  
708 record must be returned within 30 days after the decision on  
709 appeal. The commission shall adopt the necessary rules to  
710 implement this provision.

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

713 367.156 Public utility records; confidentiality.--

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

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

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

747 368.108 Confidentiality; discovery.--

748 (2) Discovery in any docket or proceeding before the  
 749 commission shall be in the manner provided for in ~~Rule 1.280~~ of  
 750 the Florida Rules of Civil Procedure. Information which affects  
 751 a natural gas transmission company's rates or cost of service  
 752 shall be considered relevant for purposes of discovery in any  
 753 docket or proceeding where the natural gas transmission  
 754 company's rates or cost of service are at issue. The commission  
 755 shall determine whether information requested in discovery  
 756 affects a natural gas transmission company's rates or cost of

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

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

782 392.60 Right of appeal; immediate release.--

783 (1) Any person who is aggrieved by the entry of an order  
 784 under s. 392.55, s. 392.56, or s. 392.57 may ~~shall have the~~

785 ~~period of time provided by the Florida Rules of Appellate~~  
 786 ~~Procedure within which to~~ appeal an order of ~~from~~ the circuit  
 787 court. Every order entered under the terms of s. 392.55, s.  
 788 392.56, or s. 392.57 shall be executed immediately unless the  
 789 court entering such order or the appellate court, in its  
 790 discretion, enters a supersedeas order and fixes the terms and  
 791 conditions thereof.

792 Section 35. Paragraph (a) of subsection (12) of section  
 793 393.11, Florida Statutes, is amended to read:

794 393.11 Involuntary admission to residential services.--

795 (12) APPEAL.--

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

800 Section 36. Paragraph (b) of subsection (1) of section  
 801 393.12, Florida Statutes, is amended to read:

802 393.12 Capacity; appointment of guardian advocate.--

803 (1) CAPACITY.--

804 (b) The issue of capacity of a person with developmental  
 805 disabilities shall be determined in a separate proceeding  
 806 according to the procedures and requirements of chapter 744 ~~and~~  
 807 ~~the Florida Probate Rules.~~

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

811 400.0233 Presuit notice; investigation; notification of  
 812 violation of resident's rights or alleged negligence; claims

813 evaluation procedure; informal discovery; review; settlement  
 814 offer; mediation.--

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

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

836 (10) To the extent not inconsistent with this part, the  
 837 provisions of chapter 44 and the ~~Florida Mediation Code,~~ Florida  
 838 Rules of Civil Procedure~~7~~, shall be applicable to such  
 839 proceedings.

840 (11) Within 30 days after the claimant's receipt of the

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

852 Section 38. Paragraph (m) of subsection (4) of section  
853 409.2563, Florida Statutes, is amended to read:

854 409.2563 Administrative establishment of child support  
855 obligations.--

856 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
857 SUPPORT ORDER.--To commence a proceeding under this section, the  
858 department shall provide to the custodial parent and serve the  
859 noncustodial parent with a notice of proceeding to establish  
860 administrative support order and a blank financial affidavit  
861 form. The notice must state:

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

866 1. The noncustodial parent may request in writing that the  
867 department proceed in circuit court to determine his or her  
868 support obligations.

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

872           3. If the noncustodial parent submits the request  
873 authorized in subparagraph 1., or the statement authorized in  
874 subparagraph 2. to the department within 20 days after the  
875 receipt of the initial notice, the department shall file a  
876 petition in circuit court for the determination of the  
877 noncustodial parent's child support obligations, and shall send  
878 to the noncustodial parent a copy of its petition, a notice of  
879 commencement of action, and a request for waiver of service of  
880 process ~~as provided in the Florida Rules of Civil Procedure.~~

881           4. If, within 10 days after receipt of the department's  
882 petition and waiver of service, the noncustodial parent signs  
883 and returns the waiver of service form to the department, the  
884 department shall terminate the administrative proceeding without  
885 prejudice and proceed in circuit court.

886           5. In any circuit court action filed by the department  
887 pursuant to this paragraph or filed by a noncustodial parent or  
888 other person pursuant to paragraph (l) or paragraph (n), the  
889 department shall be a party only with respect to those issues of  
890 support allowed and reimbursable under Title IV-D of the Social  
891 Security Act. It is the responsibility of the noncustodial  
892 parent or other person to take the necessary steps to present  
893 other issues for the court to consider.

894

895 The department may serve the notice of proceeding to establish  
896 administrative support order by certified mail, restricted

897 delivery, return receipt requested. Alternatively, the  
 898 department may serve the notice by any means permitted for  
 899 service of process in a civil action. For purposes of this  
 900 section, an authorized employee of the department may serve the  
 901 notice and execute an affidavit of service. Service by certified  
 902 mail is completed when the certified mail is received or refused  
 903 by the addressee or by an authorized agent as designated by the  
 904 addressee in writing. If a person other than the addressee signs  
 905 the return receipt, the department shall attempt to reach the  
 906 addressee by telephone to confirm whether the notice was  
 907 received, and the department shall document any telephonic  
 908 communications. If someone other than the addressee signs the  
 909 return receipt, the addressee does not respond to the notice,  
 910 and the department is unable to confirm that the addressee has  
 911 received the notice, service is not completed and the department  
 912 shall attempt to have the addressee served personally. The  
 913 department shall provide the custodial parent or caretaker  
 914 relative with a copy of the notice by regular mail to the last  
 915 known address of the custodial parent or caretaker.

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

918 409.257 Service of process.--

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

922 Section 40. Paragraph (b) of subsection (2) of section  
 923 415.1045, Florida Statutes, is amended to read:

924 415.1045 Photographs, videotapes, and medical

925 examinations; abrogation of privileged communications;  
 926 confidential records and documents.--

927 (2) MEDICAL EXAMINATIONS.--

928 (b) Upon admission to a hospital or health care facility,  
 929 with the consent of the vulnerable adult who has capacity to  
 930 consent or that person's guardian, or pursuant to s. 415.1051,  
 931 the medical staff of the facility may examine, diagnose, or  
 932 treat the vulnerable adult. If a person who has legal authority  
 933 to give consent for the provision of medical treatment to a  
 934 vulnerable adult has not given or has refused to give such  
 935 consent, examination and treatment must be limited to reasonable  
 936 examination of the patient to determine the medical condition of  
 937 the patient and treatment reasonably necessary to alleviate the  
 938 medical condition or to stabilize the patient pending a  
 939 determination by the court of the department's petition  
 940 authorizing protective services. Any person may seek an  
 941 expedited judicial intervention under ~~rule 5.900~~ of the Florida  
 942 Probate Rules concerning medical treatment procedures.

943 Section 41. Paragraph (c) of subsection (2) of section  
 944 415.1051, Florida Statutes, is amended to read:

945 415.1051 Protective services interventions when capacity  
 946 to consent is lacking; nonemergencies; emergencies; orders;  
 947 limitations.--

948 (2) EMERGENCY PROTECTIVE SERVICES INTERVENTION.--If the  
 949 department has reasonable cause to believe that a vulnerable  
 950 adult is suffering from abuse or neglect that presents a risk of  
 951 death or serious physical injury to the vulnerable adult and  
 952 that the vulnerable adult lacks the capacity to consent to

953 emergency protective services, the department may take action  
954 under this subsection. If the vulnerable adult has the capacity  
955 to consent and refuses consent to emergency protective services,  
956 emergency protective services may not be provided.

957 (c) Emergency medical treatment.--If, upon admission to a  
958 medical facility, it is the opinion of the medical staff that  
959 immediate medical treatment is necessary to prevent serious  
960 physical injury or death, and that such treatment does not  
961 violate a known health care advance directive prepared by the  
962 vulnerable adult, the medical facility may proceed with  
963 treatment to the vulnerable adult. If a person with legal  
964 authority to give consent for the provision of medical treatment  
965 to a vulnerable adult has not given or has refused to give such  
966 consent, examination and treatment must be limited to reasonable  
967 examination of the patient to determine the medical condition of  
968 the patient and treatment reasonably necessary to alleviate the  
969 emergency medical condition or to stabilize the patient pending  
970 court determination of the department's petition authorizing  
971 emergency protective services. Any person may seek an expedited  
972 judicial intervention under ~~rule 5.900~~ of the Florida Probate  
973 Rules concerning medical treatment procedures.

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

977 429.293 Presuit notice; investigation; notification of  
978 violation of residents' rights or alleged negligence; claims  
979 evaluation procedure; informal discovery; review; settlement  
980 offer; mediation.--

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

984 (a) Unsworn statements.--Any party may require other  
 985 parties to appear for the taking of an unsworn statement. Such  
 986 statements may be used only for the purpose of claims evaluation  
 987 and are not discoverable or admissible in any civil action for  
 988 any purpose by any party. A party seeking to take the unsworn  
 989 statement of any party must give reasonable notice in writing to  
 990 all parties. The notice must state the time and place for taking  
 991 the statement and the name and address of the party to be  
 992 examined. Unless otherwise impractical, the examination of any  
 993 party must be done at the same time by all other parties. Any  
 994 party may be represented by counsel at the taking of an unsworn  
 995 statement. An unsworn statement may be recorded electronically,  
 996 stenographically, or on videotape. The procedure for the taking  
 997 of an unsworn statement shall be as if the statement were an  
 998 unsworn statement as provided in statements is subject to the  
 999 provisions of the Florida Rules of Civil Procedure related to  
 1000 medical malpractice presuit screening. The taking of the  
 1001 statement ~~and~~ may be terminated for abuses.

1002 (10) To the extent not inconsistent with this part, the  
 1003 provisions of chapter 44 and the Florida Mediation Code, Florida  
 1004 Rules of Civil Procedure, shall be applicable to such  
 1005 proceedings.

1006 (11) Within 30 days after the claimant's receipt of  
 1007 defendant's response to the claim, the parties or their  
 1008 designated representatives shall meet in mediation to discuss

1009 the issues of liability and damages in accordance with chapter  
 1010 44 and the mediation rules of practice and procedures adopted by  
 1011 the Supreme Court and applicable to civil actions in circuit  
 1012 court. Upon stipulation of the parties, this 30-day period may  
 1013 be extended and the statute of limitations is tolled during the  
 1014 mediation and any such extension. At the conclusion of  
 1015 mediation, the claimant shall have 60 days or the remainder of  
 1016 the period of the statute of limitations, whichever is greater,  
 1017 within which to file suit.

1018 Section 43. Section 440.31, Florida Statutes, is amended  
 1019 to read:

1020 440.31 Witness fees.--

1021 (1) Each witness who appears in obedience to a subpoena is  
 1022 ~~shall be~~ entitled to the same fees as witnesses in a civil  
 1023 action in the circuit court. ~~however, any~~

1024 (2) Each expert witness, ~~as defined in Rule 1.390(a) of~~  
 1025 ~~the Florida Rules of Civil Procedure,~~ who testifies ~~shall have~~  
 1026 ~~testified~~ in any proceeding under this chapter shall be allowed  
 1027 a witness fee, including the cost of any exhibits used by such  
 1028 witness, in such reasonable amount as the judge of compensation  
 1029 claims may determine, not in excess of the rate prevailing in  
 1030 the locality for witness fees for such expert witnesses in  
 1031 workers' compensation proceedings, notwithstanding the  
 1032 limitation provided in s. 92.231. As used in this subsection,  
 1033 the term "expert witness" means a person duly and regularly  
 1034 engaged in the practice of a profession who holds a professional  
 1035 degree from a university or college and who has had special  
 1036 professional training and experience, or a person possessed of

1037 special knowledge or skill about the subject upon which he or  
 1038 she is called to testify.

1039 Section 44. Subsection (2) of section 447.507, Florida  
 1040 Statutes, is amended to read:

1041 447.507 Violation of strike prohibition; penalties.--

1042 (2) If a public employee, a group of employees, an  
 1043 employee organization, or any officer, agent, or representative  
 1044 of any employee organization engages in a strike in violation of  
 1045 s. 447.505, either the commission or any public employer whose  
 1046 employees are involved or whose employees may be affected by the  
 1047 strike may file suit to enjoin the strike ~~in the circuit court~~  
 1048 ~~having proper jurisdiction and proper venue of such actions~~  
 1049 ~~under the Florida Rules of Civil Procedure and Florida Statutes.~~

1050 The circuit court shall conduct a hearing, with notice to the  
 1051 commission and to all interested parties, at the earliest  
 1052 practicable time. If the plaintiff makes a prima facie showing  
 1053 that a violation of s. 447.505 is in progress or that there is a  
 1054 clear, real, and present danger that such a strike is about to  
 1055 commence, the circuit court shall issue a temporary injunction  
 1056 enjoining the strike. Upon final hearing, the circuit court  
 1057 shall either make the injunction permanent or dissolve it.

1058 Section 45. Subsection (9) of section 448.110, Florida  
 1059 Statutes, is amended to read:

1060 448.110 State minimum wage; annual wage adjustment;  
 1061 enforcement.--

1062 (9) Actions brought pursuant to this section may be  
 1063 brought as a class action ~~pursuant to Rule 1.220, Florida Rules~~  
 1064 ~~of Civil Procedure.~~ In any class action brought pursuant to this

1065 section, the plaintiffs shall prove, by a preponderance of the  
 1066 evidence, the individual identity of each class member and the  
 1067 individual damages of each class member.

1068 Section 46. Paragraph (a) of subsection (7) of section  
 1069 456.057, Florida Statutes, is amended to read:

1070 456.057 Ownership and control of patient records; report  
 1071 or copies of records to be furnished.--

1072 (7) (a) Except as otherwise provided in this section and in  
 1073 s. 440.13(4)(c), such records may not be furnished to, and the  
 1074 medical condition of a patient may not be discussed with, any  
 1075 person other than the patient or the patient's legal  
 1076 representative or other health care practitioners and providers  
 1077 involved in the care or treatment of the patient, except upon  
 1078 written authorization of the patient. However, such records may  
 1079 be furnished without written authorization under the following  
 1080 circumstances:

1081 1. To any person, firm, or corporation that has procured  
 1082 or furnished such examination or treatment with the patient's  
 1083 consent.

1084 2. When compulsory physical examination is made in a civil  
 1085 action pursuant to court rule. 1.360, Florida Rules of Civil  
 1086 Procedure, in which case Copies of the medical records shall be  
 1087 furnished to parties entitled to such records under the rule  
 1088 ~~both the defendant and the plaintiff.~~

1089 3. In any civil or criminal action, unless otherwise  
 1090 prohibited by law, upon the issuance of a subpoena from a court  
 1091 of competent jurisdiction and proper notice to the patient or  
 1092 the patient's legal representative by the party seeking such

1093 records.

1094 4. For statistical and scientific research, provided the  
 1095 information is abstracted in such a way as to protect the  
 1096 identity of the patient or provided written permission is  
 1097 received from the patient or the patient's legal representative.

1098 5. To a regional poison control center for purposes of  
 1099 treating a poison episode under evaluation, case management of  
 1100 poison cases, or compliance with data collection and reporting  
 1101 requirements of s. 395.1027 and the professional organization  
 1102 that certifies poison control centers in accordance with federal  
 1103 law.

1104 Section 47. Paragraph (b) of subsection (3) of section  
 1105 518.112, Florida Statutes, is amended to read:

1106 518.112 Delegation of investment functions.--

1107 (3) A fiduciary may delegate investment functions to an  
 1108 investment agent under subsection (1) or subsection (2), if:

1109 (b) In the case of a trust or estate, the fiduciary has  
 1110 given written notice, of its intention to begin delegating  
 1111 investment functions under this section, to all beneficiaries,  
 1112 or their legal representative, eligible to receive distributions  
 1113 from the trust or estate within 30 days of the delegation unless  
 1114 such notice is waived by the eligible beneficiaries entitled to  
 1115 receive such notice. This notice shall thereafter, until or  
 1116 unless the beneficiaries eligible to receive income from the  
 1117 trust or distributions from the estate at the time are notified  
 1118 to the contrary, authorize the trustee or legal representative  
 1119 to delegate investment functions pursuant to this subsection.  
 1120 This discretion to revoke the delegation does not imply under

1121 subsection (2) any continuing obligation to review the agent's  
 1122 actions.

1123 1. Notice to beneficiaries eligible to receive  
 1124 distributions from the trust from the estate, or their legal  
 1125 representatives shall be sufficient notice to all persons who  
 1126 may join the eligible class of beneficiaries in the future.

1127 2. Additionally, as used herein, legal representative  
 1128 includes one described in s. 731.303, without any requirement of  
 1129 a court order, an attorney-in-fact under a durable power of  
 1130 attorney sufficient to grant such authority, a legally appointed  
 1131 guardian, or equivalent under applicable law, any living,  
 1132 natural guardian of a minor child, or a guardian ad litem.

1133 3. Written notice shall be:

1134 a. By any form of mail or by any commercial delivery  
 1135 service, approved for service of process by the chief judge of  
 1136 the judicial circuit in which the trust has its principal place  
 1137 of business at the date of notice, requiring a signed receipt;

1138 or

1139 b. As provided by law for service of process, ~~or~~

1140 ~~e. By an elisor as may be provided in the Florida Rules of~~  
 1141 ~~Civil Procedure.~~

1142  
 1143 Notice by mail or by approved commercial delivery service is  
 1144 complete on receipt of notice. Proof of notice must be by  
 1145 verified statement of the person mailing or sending notice, and  
 1146 there must be attached thereto the signed receipt or other  
 1147 satisfactory evidence that delivery was effected on the  
 1148 addressee or on the addressee's agent. Proof of notice must be

1149 maintained among the trustee's permanent records.

1150 Section 48. Subsection (4) of section 552.40, Florida  
 1151 Statutes, is amended to read:

1152 552.40 Administrative remedy for alleged damage due to the  
 1153 use of explosives in connection with construction materials  
 1154 mining activities.--

1155 (4) The administrative judge shall issue an order  
 1156 directing mediation ~~under Rule 1700 et seq., Florida Rules of~~  
 1157 ~~Civil Procedure~~. The parties shall jointly select a mediator and  
 1158 the location of mediation. If the parties fail to do so within  
 1159 30 days after the order for mediation is issued, the  
 1160 administrative law judge shall designate the mediator and the  
 1161 location of mediation. Petitioner and respondent shall each pay  
 1162 one-half of the cost of mediation. If the petitioner's annual  
 1163 income is less than 150 percent of the applicable federal  
 1164 poverty guideline published in the Federal Register by the  
 1165 United States Department of Health and Human Services, the  
 1166 respondent shall bear the full cost of mediation. The mediation  
 1167 must be concluded within 60 days after the date of designation  
 1168 of the mediator unless the parties agree upon a different date.

1169 Section 49. Paragraph (b) of subsection (1) and subsection  
 1170 (5) of section 607.0505, Florida Statutes, are amended to read:

1171 607.0505 Registered agent; duties.--

1172 (1)

1173 (b) Each such corporation, foreign corporation, or alien  
 1174 business organization which fails to have and continuously  
 1175 maintain a registered office and a registered agent as required  
 1176 in this section will be liable to this state for \$500 for each

1177 | year, or part of a year, during which the corporation, foreign  
1178 | corporation, or alien business organization fails to comply with  
1179 | these requirements; but such liability will be forgiven in full  
1180 | upon the compliance by the corporation, foreign corporation, or  
1181 | alien business organization with the requirements of this  
1182 | subsection, even if such compliance occurs after an action to  
1183 | collect such liability is instituted. The Department of Legal  
1184 | Affairs may file an action in the circuit court for the judicial  
1185 | circuit in which the corporation, foreign corporation, or alien  
1186 | business organization is found or transacts business, or in  
1187 | which real property belonging to the corporation, foreign  
1188 | corporation, or alien business organization is located, to  
1189 | petition the court for an order directing that a registered  
1190 | agent be appointed and that a registered office be designated,  
1191 | and to obtain judgment for the amount owed under this  
1192 | subsection. In connection with such proceeding, the department  
1193 | may, without prior approval by the court, file a lis pendens  
1194 | against real property owned by the corporation, foreign  
1195 | corporation, or alien business organization, which lis pendens  
1196 | shall set forth the legal description of the real property and  
1197 | shall be filed in the public records of the county where the  
1198 | real property is located. If the lis pendens is filed in any  
1199 | county other than the county in which the action is pending, the  
1200 | lis pendens which is filed must be a certified copy of the  
1201 | original lis pendens. The failure to comply timely or fully with  
1202 | an order directing that a registered agent be appointed and that  
1203 | a registered office be designated will result in a civil penalty  
1204 | of not more than \$1,000 for each day of noncompliance. A

1205 judgment or an order of payment entered pursuant to this  
 1206 subsection will become a judgment lien against any real property  
 1207 owned by the corporation, foreign corporation, or alien business  
 1208 organization when a certified copy of the judgment or order is  
 1209 recorded as required by s. 55.10. ~~The department will be able to~~  
 1210 ~~avail itself of, and is entitled to use, any provision of law or~~  
 1211 ~~of the Florida Rules of Civil Procedure to further the~~  
 1212 ~~collecting or obtaining of payment pursuant to a judgment or~~  
 1213 ~~order of payment.~~ The state, through the Attorney General, may  
 1214 bid, at any judicial sale to enforce its judgment lien, any  
 1215 amount up to the amount of the judgment or lien obtained  
 1216 pursuant to this subsection. All moneys recovered under this  
 1217 subsection shall be treated as forfeitures under ss. 895.01-  
 1218 895.09 and used or distributed in accordance with the procedure  
 1219 set forth in s. 895.09. A corporation, foreign corporation, or  
 1220 alien business organization which fails to have and continuously  
 1221 maintain a registered office and a registered agent as required  
 1222 in this section may not defend itself against any action  
 1223 instituted by the Department of Legal Affairs or by any other  
 1224 agency of this state until the requirements of this subsection  
 1225 have been met.

1226 (5) If a corporation, foreign corporation, or alien  
 1227 business organization fails without lawful excuse to comply  
 1228 timely or fully with a subpoena issued pursuant to subsection  
 1229 (2), the Department of Legal Affairs may file an action in the  
 1230 circuit court for the judicial circuit in which the corporation,  
 1231 foreign corporation, or alien business organization is found or  
 1232 transacts business or in which real property belonging to the

1233 corporation, foreign corporation, or alien business organization  
 1234 is located, for an order compelling compliance with the  
 1235 subpoena. The failure without a lawful excuse to comply timely  
 1236 or fully with an order compelling compliance with the subpoena  
 1237 will result in a civil penalty of not more than \$1,000 for each  
 1238 day of noncompliance with the order. In connection with such  
 1239 proceeding, the department may, without prior approval by the  
 1240 court, file a lis pendens against real property owned by the  
 1241 corporation, foreign corporation, or alien business  
 1242 organization, which lis pendens shall set forth the legal  
 1243 description of the real property and shall be filed in the  
 1244 public records of the county where the real property is located.  
 1245 If the lis pendens is filed in any county other than the county  
 1246 in which the action is pending, the lis pendens which is filed  
 1247 must be a certified copy of the original lis pendens. A judgment  
 1248 or an order of payment entered pursuant to this subsection will  
 1249 become a judgment lien against any real property owned by the  
 1250 corporation, foreign corporation, or alien business organization  
 1251 when a certified copy of the judgment or order is recorded as  
 1252 required by s. 55.10. ~~The department will be able to avail~~  
 1253 ~~itself of, and is entitled to use, any provision of law or of~~  
 1254 ~~the Florida Rules of Civil Procedure to further the collecting~~  
 1255 ~~or obtaining of payment pursuant to a judgment or order of~~  
 1256 ~~payment.~~ The state, through the Attorney General, may bid, at  
 1257 any judicial sale to enforce its judgment lien, an amount up to  
 1258 the amount of the judgment or lien obtained pursuant to this  
 1259 subsection. All moneys recovered under this subsection shall be  
 1260 treated as forfeitures under ss. 895.01-895.09 and used or

1261 distributed in accordance with the procedure set forth in s.  
 1262 895.09.

1263 Section 50. Paragraph (b) of subsection (1) and subsection  
 1264 (5) of section 617.0503, Florida Statutes, are amended to read:

1265 617.0503 Registered agent; duties; confidentiality of  
 1266 investigation records.--

1267 (1)

1268 (b) Each such corporation, foreign corporation, or alien  
 1269 business organization that fails to have and continuously  
 1270 maintain a registered office and a registered agent as required  
 1271 in this section is liable to this state for \$500 for each year,  
 1272 or part of a year, during which the corporation, foreign  
 1273 corporation, or alien business organization fails to comply with  
 1274 these requirements; but this liability is forgiven in full upon  
 1275 the compliance by the corporation, foreign corporation, or alien  
 1276 business organization with the requirements of this subsection,  
 1277 even if that compliance occurs after an action to collect such  
 1278 amount is instituted. The Department of Legal Affairs may file  
 1279 an action in the circuit court for the judicial circuit in which  
 1280 the corporation, foreign corporation, or alien business  
 1281 organization is found or transacts business, or in which real  
 1282 property belonging to the corporation, foreign corporation, or  
 1283 alien business organization is located, to petition the court  
 1284 for an order directing that a registered agent be appointed and  
 1285 that a registered office be designated, and to obtain judgment  
 1286 for the amount owed under this subsection. In connection with  
 1287 such proceeding, the department may, without prior approval by  
 1288 the court, file a lis pendens against real property owned by the

1289 corporation, foreign corporation, or alien business  
 1290 organization, which lis pendens shall set forth the legal  
 1291 description of the real property and shall be filed in the  
 1292 public records of the county where the real property is located.  
 1293 If the lis pendens is filed in any county other than the county  
 1294 in which the action is pending, the lis pendens that is filed  
 1295 must be a certified copy of the original lis pendens. The  
 1296 failure to comply timely or fully with an order directing that a  
 1297 registered agent be appointed and that a registered office be  
 1298 designated will result in a civil penalty of not more than  
 1299 \$1,000 for each day of noncompliance. A judgment or an order of  
 1300 payment entered under this subsection becomes a judgment lien  
 1301 against any real property owned by the corporation, foreign  
 1302 corporation, or alien business organization when a certified  
 1303 copy of the judgment or order is recorded as required by s.  
 1304 55.10. ~~The department may avail itself of, and is entitled to~~  
 1305 ~~use, any provision of law or of the Florida Rules of Civil~~  
 1306 ~~Procedure to further the collecting or obtaining of payment~~  
 1307 ~~pursuant to a judgment or order of payment.~~ The state, through  
 1308 the Attorney General, may bid, at any judicial sale to enforce  
 1309 its judgment lien, any amount up to the amount of the judgment  
 1310 or lien obtained pursuant to this subsection. All moneys  
 1311 recovered under this subsection shall be treated as forfeitures  
 1312 under ss. 895.01-895.09 and used or distributed in accordance  
 1313 with the procedure set forth in s. 895.09. A corporation,  
 1314 foreign corporation, or alien business organization that fails  
 1315 to have and continuously maintain a registered office and a  
 1316 registered agent as required in this section may not defend

1317 | itself against any action instituted by the Department of Legal  
1318 | Affairs or by any other agency of this state until the  
1319 | requirements of this subsection have been met.

1320 |         (5) If a corporation, foreign corporation, or alien  
1321 | business organization fails without lawful excuse to comply  
1322 | timely or fully with a subpoena issued pursuant to subsection  
1323 | (2), the Department of Legal Affairs may file an action in the  
1324 | circuit court for the judicial circuit in which the corporation,  
1325 | foreign corporation, or alien business organization is found or  
1326 | transacts business or in which real property belonging to the  
1327 | corporation, foreign corporation, or alien business organization  
1328 | is located, for an order compelling compliance with the  
1329 | subpoena. The failure without a lawful excuse to comply timely  
1330 | or fully with an order compelling compliance with the subpoena  
1331 | will result in a civil penalty of not more than \$1,000 for each  
1332 | day of noncompliance with the order. In connection with such  
1333 | proceeding, the department may, without prior approval by the  
1334 | court, file a lis pendens against real property owned by the  
1335 | corporation, foreign corporation, or alien business  
1336 | organization, which lis pendens shall set forth the legal  
1337 | description of the real property and shall be filed in the  
1338 | public records of the county where the real property is located.  
1339 | If the lis pendens is filed in any county other than the county  
1340 | in which the action is pending, the lis pendens that is filed  
1341 | must be a certified copy of the original lis pendens. A judgment  
1342 | or an order of payment entered pursuant to this subsection will  
1343 | become a judgment lien against any real property owned by the  
1344 | corporation, foreign corporation, or alien business organization

1345 when a certified copy of the judgment or order is recorded as  
 1346 required by s. 55.10. ~~The department may avail itself of, and is~~  
 1347 ~~entitled to use, any provision of law or of the Florida Rules of~~  
 1348 ~~Civil Procedure to further the collecting or obtaining of~~  
 1349 ~~payment pursuant to a judgment or order of payment.~~ The state,  
 1350 through the Attorney General, may bid at any judicial sale to  
 1351 enforce its judgment lien, an amount up to the amount of the  
 1352 judgment or lien obtained pursuant to this subsection. All  
 1353 moneys recovered under this subsection shall be treated as  
 1354 forfeitures under ss. 895.01-895.09 and used or distributed in  
 1355 accordance with the procedure set forth in s. 895.09.

1356 Section 51. Paragraph (b) of subsection (4) of section  
 1357 713.346, Florida Statutes, is amended to read:

1358 713.346 Payment on construction contracts.--

1359 (4) After service of the complaint, the court shall  
 1360 conduct an evidentiary hearing on the complaint, upon not less  
 1361 than 15 days' written notice. The person providing labor,  
 1362 services, or materials is entitled to the following remedies to  
 1363 the extent of the undisputed amount due for labor or services  
 1364 performed or materials supplied, and upon proof of each  
 1365 allegation in the complaint:

1366 (b) A temporary injunction against the person who received  
 1367 the payment, ~~subject to the bond requirements specified in the~~  
 1368 ~~Florida Rules of Civil Procedure.~~

1369 Section 52. Paragraph (h) of subsection (4) of section  
 1370 718.1255, Florida Statutes, is amended to read:

1371 718.1255 Alternative dispute resolution; voluntary  
 1372 mediation; mandatory nonbinding arbitration; legislative

1373 findings.--

1374 (4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF  
 1375 DISPUTES.--The Division of Florida Land Sales, Condominiums, and  
 1376 Mobile Homes of the Department of Business and Professional  
 1377 Regulation shall employ full-time attorneys to act as  
 1378 arbitrators to conduct the arbitration hearings provided by this  
 1379 chapter. The division may also certify attorneys who are not  
 1380 employed by the division to act as arbitrators to conduct the  
 1381 arbitration hearings provided by this section. No person may be  
 1382 employed by the department as a full-time arbitrator unless he  
 1383 or she is a member in good standing of The Florida Bar. The  
 1384 department shall promulgate rules of procedure to govern such  
 1385 arbitration hearings including mediation incident thereto. The  
 1386 decision of an arbitrator shall be final; however, such a  
 1387 decision shall not be deemed final agency action. Nothing in  
 1388 this provision shall be construed to foreclose parties from  
 1389 proceeding in a trial de novo unless the parties have agreed  
 1390 that the arbitration is binding. If such judicial proceedings  
 1391 are initiated, the final decision of the arbitrator shall be  
 1392 admissible in evidence in the trial de novo.

1393 (h) Mediation proceedings must generally be conducted in  
 1394 accordance with chapter 44 ~~the Florida Rules of Civil Procedure,~~  
 1395 ~~and these proceedings are privileged and confidential to the~~  
 1396 ~~same extent as court-ordered mediation.~~ Persons who are not  
 1397 parties to the dispute are not allowed to attend the mediation  
 1398 conference without the consent of all parties, with the  
 1399 exception of counsel for the parties and corporate  
 1400 representatives designated to appear for a party. If the

1401 mediator declares an impasse after a mediation conference has  
1402 been held, the arbitration proceeding terminates, unless all  
1403 parties agree in writing to continue the arbitration proceeding,  
1404 in which case the arbitrator's decision shall be either binding  
1405 or nonbinding, as agreed upon by the parties; in the arbitration  
1406 proceeding, the arbitrator shall not consider any evidence  
1407 relating to the unsuccessful mediation except in a proceeding to  
1408 impose sanctions for failure to appear at the mediation  
1409 conference. If the parties do not agree to continue arbitration,  
1410 the arbitrator shall enter an order of dismissal, and either  
1411 party may institute a suit in a court of competent jurisdiction.  
1412 The parties may seek to recover any costs and attorneys' fees  
1413 incurred in connection with arbitration and mediation  
1414 proceedings under this section as part of the costs and fees  
1415 that may be recovered by the prevailing party in any subsequent  
1416 litigation.

1417 Section 53. Paragraph (a) of subsection (2) of section  
1418 720.311, Florida Statutes, is amended to read:

1419 720.311 Dispute resolution.--

1420 (2) (a) Disputes between an association and a parcel owner  
1421 regarding use of or changes to the parcel or the common areas  
1422 and other covenant enforcement disputes, disputes regarding  
1423 amendments to the association documents, disputes regarding  
1424 meetings of the board and committees appointed by the board,  
1425 membership meetings not including election meetings, and access  
1426 to the official records of the association shall be the subject  
1427 of a demand for presuit mediation served by an aggrieved party  
1428 before the dispute is filed in court. Presuit mediation

1429 | proceedings must be conducted in accordance with chapter 44 ~~the~~  
 1430 | ~~applicable Florida Rules of Civil Procedure, and these~~  
 1431 | ~~proceedings are privileged and confidential to the same extent~~  
 1432 | ~~as court ordered mediation.~~ Disputes subject to presuit  
 1433 | mediation under this section shall not include the collection of  
 1434 | any assessment, fine, or other financial obligation, including  
 1435 | attorney's fees and costs, claimed to be due or any action to  
 1436 | enforce a prior mediation settlement agreement between the  
 1437 | parties. Also, in any dispute subject to presuit mediation under  
 1438 | this section where emergency relief is required, a motion for  
 1439 | temporary injunctive relief may be filed with the court without  
 1440 | first complying with the presuit mediation requirements of this  
 1441 | section. After any issues regarding emergency or temporary  
 1442 | relief are resolved, the court may either refer the parties to a  
 1443 | mediation program administered by the courts or require  
 1444 | mediation under this section. An arbitrator or judge may not  
 1445 | consider any information or evidence arising from the presuit  
 1446 | mediation proceeding except in a proceeding to impose sanctions  
 1447 | for failure to attend a presuit mediation session or to enforce  
 1448 | a mediated settlement agreement. Persons who are not parties to  
 1449 | the dispute may not attend the presuit mediation conference  
 1450 | without the consent of all parties, except for counsel for the  
 1451 | parties and a corporate representative designated by the  
 1452 | association. When mediation is attended by a quorum of the  
 1453 | board, such mediation is not a board meeting for purposes of  
 1454 | notice and participation set forth in s. 720.303. An aggrieved  
 1455 | party shall serve on the responding party a written demand to  
 1456 | participate in presuit mediation in substantially the following

1457 form:

1458

1459

1460 STATUTORY OFFER TO PARTICIPATE

1461

1462

1463 IN PRESUIT MEDIATION

1464

1465

1466 The alleged aggrieved party, \_\_\_\_\_, hereby  
 1467 demands that \_\_\_\_\_, as the responding party,  
 1468 engage in mandatory presuit mediation in connection with the  
 1469 following disputes, which by statute are of a type that are  
 1470 subject to presuit mediation:

1471

1472

1473 (List specific nature of the dispute or disputes to be mediated  
 1474 and the authority supporting a finding of a violation as to each  
 1475 dispute.)

1476

1477

1478 Pursuant to section 720.311, Florida Statutes, this demand to  
 1479 resolve the dispute through presuit mediation is required before  
 1480 a lawsuit can be filed concerning the dispute. Pursuant to the  
 1481 statute, the parties are required to engage in presuit mediation  
 1482 with a neutral third-party mediator in order to attempt to  
 1483 resolve this dispute without court action, and the aggrieved  
 1484 party demands that you likewise agree to this process. If you

1485 fail to participate in the mediation process, suit may be  
1486 brought against you without further warning.

1487

1488

1489 The process of mediation involves a supervised negotiation  
1490 process in which a trained, neutral third-party mediator meets  
1491 with both parties and assists them in exploring possible  
1492 opportunities for resolving part or all of the dispute. By  
1493 agreeing to participate in presuit mediation, you are not bound  
1494 in any way to change your position. Furthermore, the mediator  
1495 has no authority to make any decisions in this matter or to  
1496 determine who is right or wrong and merely acts as a facilitator  
1497 to ensure that each party understands the position of the other  
1498 party and that all options for reasonable settlement are fully  
1499 explored.

1500

1501

1502 If an agreement is reached, it shall be reduced to writing and  
1503 becomes a binding and enforceable commitment of the parties. A  
1504 resolution of one or more disputes in this fashion avoids the  
1505 need to litigate these issues in court. The failure to reach an  
1506 agreement, or the failure of a party to participate in the  
1507 process, results in the mediator declaring an impasse in the  
1508 mediation, after which the aggrieved party may proceed to court  
1509 on all outstanding, unsettled disputes. If you have failed or  
1510 refused to participate in the entire mediation process, you will  
1511 not be entitled to recover attorney's fees, even if you prevail.

1512

1513  
1514 The aggrieved party has selected and hereby lists five certified  
1515 mediators who we believe to be neutral and qualified to mediate  
1516 the dispute. You have the right to select any one of these  
1517 mediators. The fact that one party may be familiar with one or  
1518 more of the listed mediators does not mean that the mediator  
1519 cannot act as a neutral and impartial facilitator. Any mediator  
1520 who cannot act in this capacity is required ethically to decline  
1521 to accept engagement. The mediators that we suggest, and their  
1522 current hourly rates, are as follows:

1523  
1524  
1525 (List the names, addresses, telephone numbers, and hourly rates  
1526 of the mediators. Other pertinent information about the  
1527 background of the mediators may be included as an attachment.)

1528  
1529  
1530 You may contact the offices of these mediators to confirm that  
1531 the listed mediators will be neutral and will not show any  
1532 favoritism toward either party. The Florida Supreme Court can  
1533 provide you a list of certified mediators.

1534  
1535  
1536 Unless otherwise agreed by the parties, section 720.311(2)(b),  
1537 Florida Statutes, requires that the parties share the costs of  
1538 presuit mediation equally, including the fee charged by the  
1539 mediator. An average mediation may require three to four hours  
1540 of the mediator's time, including some preparation time, and the

1541 parties would need to share equally the mediator's fees as well  
1542 as their own attorney's fees if they choose to employ an  
1543 attorney in connection with the mediation. However, use of an  
1544 attorney is not required and is at the option of each party. The  
1545 mediators may require the advance payment of some or all of the  
1546 anticipated fees. The aggrieved party hereby agrees to pay or  
1547 prepay one-half of the mediator's estimated fees and to forward  
1548 this amount or such other reasonable advance deposits as the  
1549 mediator requires for this purpose. Any funds deposited will be  
1550 returned to you if these are in excess of your share of the fees  
1551 incurred.

1552  
1553  
1554 To begin your participation in presuit mediation to try to  
1555 resolve the dispute and avoid further legal action, please sign  
1556 below and clearly indicate which mediator is acceptable to you.  
1557 We will then ask the mediator to schedule a mutually convenient  
1558 time and place for the mediation conference to be held. The  
1559 mediation conference must be held within ninety (90) days of  
1560 this date, unless extended by mutual written agreement. In the  
1561 event that you fail to respond within 20 days from the date of  
1562 this letter, or if you fail to agree to at least one of the  
1563 mediators that we have suggested or to pay or prepay to the  
1564 mediator one-half of the costs involved, the aggrieved party  
1565 will be authorized to proceed with the filing of a lawsuit  
1566 against you without further notice and may seek an award of  
1567 attorney's fees or costs incurred in attempting to obtain  
1568 mediation.

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

\_\_\_\_\_  
 \_\_\_\_\_

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

AGREEMENT TO MEDIATE

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

(List acceptable mediator or mediators.)

1597 I/we further agree to pay or prepay one-half of the mediator's  
 1598 fees and to forward such advance deposits as the mediator may  
 1599 require for this purpose.

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1604 Signature of responding party #1

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1609 Telephone contact information

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1613

1614 Signature and telephone contact information of responding party  
 1615 #2 (if applicable) (if property is owned by more than one person,  
 1616 all owners must sign)

1617 Section 54. Subsection (2) of section 723.0381, Florida  
 1618 Statutes, is amended to read:

1619 723.0381 Civil actions; arbitration.--

1620 (2) The court may refer the action to nonbinding  
 1621 arbitration pursuant to s. 44.103 ~~and the Florida Rules of Civil~~  
 1622 ~~Procedure~~. The court shall order the hearing to be held  
 1623 informally with presentation of testimony kept to a minimum and  
 1624 matters presented to the arbitrators primarily through the

1625 statements and arguments of counsel. The court shall assess the  
 1626 parties equally to pay the compensation awarded to the  
 1627 arbitrators if neither party requests a trial de novo. If a  
 1628 party has filed for a trial de novo, the party shall be assessed  
 1629 the arbitration costs, court costs, and other reasonable costs  
 1630 of the opposing party, including attorney's fees, investigation  
 1631 expenses, and expenses for expert or other testimony or evidence  
 1632 incurred after the arbitration hearing if the judgment upon the  
 1633 trial de novo is not more favorable than the arbitration  
 1634 decision. If subsequent to arbitration a party files for a trial  
 1635 de novo, the arbitration decision may be made known to the judge  
 1636 only after he or she has entered his or her order on the merits.

1637 Section 55. Subsection (1) of section 726.108, Florida  
 1638 Statutes, is amended to read:

1639 726.108 Remedies of creditors.--

1640 (1) In an action for relief against a transfer or  
 1641 obligation under ss. 726.101-726.112, a creditor, subject to the  
 1642 limitations in s. 726.109 may obtain:

1643 (a) Avoidance of the transfer or obligation to the extent  
 1644 necessary to satisfy the creditor's claim;

1645 (b) An attachment or other provisional remedy against the  
 1646 asset transferred or other property of the transferee in  
 1647 accordance with applicable law;

1648 ~~(c) Subject to applicable principles of equity and in~~  
 1649 ~~accordance with applicable rules of civil procedure:~~

1650 (c)1. An injunction against further disposition by the  
 1651 debtor or a transferee, or both, of the asset transferred or of  
 1652 other property;

1653           (d)~~2~~. Appointment of a receiver to take charge of the  
 1654 asset transferred or of other property of the transferee; or

1655           (e)~~3~~. Any other relief the circumstances may require.

1656           Section 56. Paragraph (b) of subsection (2) of section  
 1657 727.104, Florida Statutes, is amended to read:

1658           727.104 Commencement of proceedings.--

1659           (2) Within 10 days after delivery of the assignment to the  
 1660 assignee, the assignee shall:

1661           (b) File, in the office of the clerk of the court in the  
 1662 county of the assignor's place of business if it has one, in the  
 1663 county of its chief executive office if it has more than one  
 1664 place of business, or in the county of the assignor's residence  
 1665 if the assignor is an individual not engaged in business, ~~in~~  
 1666 ~~accordance with the procedures for filing a complaint as set~~  
 1667 ~~forth in the Florida Rules of Civil Procedure,~~ a petition  
 1668 setting forth the name and address of the assignor and the name  
 1669 and address of the assignee; a copy of the assignment, together  
 1670 with Schedules A and B; and a request that the court fix the  
 1671 amount of the assignee's bond to be filed with the clerk of the  
 1672 court. This bond shall be subject to reconsideration upon the  
 1673 motion of any party in interest after notice and hearing. The  
 1674 bond shall be payable to the clerk of the court, in an amount  
 1675 not less than double the liquidation value of the assets of the  
 1676 estate as set forth in Schedule B, conditioned upon the  
 1677 assignee's faithful discharge of her or his duties. Within 30  
 1678 days after the court enters an order setting the amount of such  
 1679 bond, the assignee shall file the bond with the clerk of the  
 1680 court, who shall approve the bond.

1681 Section 57. Section 731.011, Florida Statutes, is amended  
 1682 to read:

1683 731.011 Determination of substantive rights;  
 1684 ~~procedures.--~~The code became effective on January 1, 1976. The  
 1685 substantive rights of all persons that vested prior to January  
 1686 1, 1976, shall be determined as provided in former chapters 731-  
 1687 737 and 744-746. ~~The procedures for the enforcement of vested~~  
 1688 ~~substantive rights shall be as provided in the Florida Probate~~  
 1689 ~~Rules.~~

1690 Section 58. Subsection (2) of section 732.107, Florida  
 1691 Statutes, is amended to read:

1692 732.107 Escheat.--  
 1693 (2) Property that escheats shall be sold ~~as provided in~~  
 1694 ~~the Florida Probate Rules~~ and the proceeds paid to the Chief  
 1695 Financial Officer of the state and deposited in the State School  
 1696 Fund.

1697 Section 59. Subsection (3) of section 733.101, Florida  
 1698 Statutes, is amended to read:

1699 733.101 Venue of probate proceedings.--  
 1700 (3) Whenever a proceeding is filed laying venue in an  
 1701 improper county, the court may transfer the action ~~in the same~~  
 1702 ~~manner as provided in the Florida Rules of Civil Procedure.~~ Any  
 1703 action taken by the court or the parties before the transfer is  
 1704 not affected by the improper venue.

1705 Section 60. Subsection (3) of section 733.212, Florida  
 1706 Statutes, is amended to read:

1707 733.212 Notice of administration; filing of objections.--  
 1708 (3) Any interested person on whom a copy of the notice of

1709 administration is served must object to the validity of the  
 1710 will, the qualifications of the personal representative, the  
 1711 venue, or the jurisdiction of the court by filing a petition or  
 1712 other pleading requesting relief ~~in accordance with the Florida~~  
 1713 ~~Probate Rules~~ on or before the date that is 3 months after the  
 1714 date of service of a copy of the notice of administration on the  
 1715 objecting person, or those objections are forever barred.

1716 Section 61. Subsection (2) of section 733.6171, Florida  
 1717 Statutes, is amended to read:

1718 733.6171 Compensation of attorney for the personal  
 1719 representative.--

1720 (2) The attorney, the personal representative, and persons  
 1721 bearing the impact of the compensation may agree to compensation  
 1722 determined in a different manner than provided in this section.  
 1723 Compensation may also be determined in a different manner than  
 1724 provided in this section if the manner is disclosed to the  
 1725 parties bearing the impact of the compensation and if no  
 1726 objection is made ~~as provided for in the Florida Probate Rules.~~

1727 Section 62. Subsection (2) of section 733.705, Florida  
 1728 Statutes, is amended to read:

1729 733.705 Payment of and objection to claims.--

1730 (2) On or before the expiration of 4 months from the first  
 1731 publication of notice to creditors or within 30 days from the  
 1732 timely filing or amendment of a claim, whichever occurs later, a  
 1733 personal representative or other interested person may file a  
 1734 written objection to a claim. If an objection is filed, the  
 1735 person filing it shall serve a copy of the objection ~~as provided~~  
 1736 ~~by the Florida Probate Rules.~~ The failure to serve a copy of the

1737 objection constitutes an abandonment of the objection. For good  
 1738 cause, the court may extend the time for filing or serving an  
 1739 objection to any claim. Objection to a claim constitutes an  
 1740 objection to an amendment of that claim unless the objection is  
 1741 withdrawn.

1742 Section 63. Subsection (2) of section 734.102, Florida  
 1743 Statutes, is amended to read:

1744 734.102 Ancillary administration.--

1745 ~~(2) Ancillary administration shall be commenced as~~  
 1746 ~~provided by the Florida Probate Rules.~~

1747 Section 64. Subsection (4) of section 736.0109, Florida  
 1748 Statutes, is amended to read:

1749 736.0109 Methods and waiver of notice.--

1750 (4) Notice of a judicial proceeding must be given as  
 1751 provided in statute and the applicable court rule ~~Florida Rules~~  
 1752 ~~of Civil Procedure.~~

1753 Section 65. Subsection (1) and paragraph (c) of subsection  
 1754 (9) of section 738.104, Florida Statutes, are amended to read:

1755 738.104 Trustee's power to adjust.--

1756 (1) A trustee may adjust between principal and income to  
 1757 the extent the trustee considers necessary if the trustee  
 1758 invests and manages trust assets as a prudent investor, the  
 1759 terms of the trust describe the amount that may or shall be  
 1760 distributed to a beneficiary by referring to the trust's income,  
 1761 and the trustee determines, after applying the provisions of  
 1762 ~~rules in~~ s. 738.103(1), that the trustee is unable to comply  
 1763 with s. 738.103(2).

1764 (9)

1765 (c) The statement referred to in this subsection shall be  
 1766 served informally by delivering a copy or mailing it to the  
 1767 beneficiary, ~~in the manner provided in the Florida Rules of~~  
 1768 ~~Civil Procedure relating to service of pleadings subsequent to~~  
 1769 ~~the initial pleading~~. The statement may be served on a legal  
 1770 representative or natural guardian of a beneficiary without the  
 1771 filing of any proceeding or approval of any court.

1772 Section 66. Paragraph (c) of subsection (2) of section  
 1773 738.1041, Florida Statutes, is amended to read:

1774 738.1041 Total return unitrust.--

1775 (2) A trustee may, without court approval, convert an  
 1776 income trust to a total return unitrust, reconvert a total  
 1777 return unitrust to an income trust, or change the percentage  
 1778 used to calculate the unitrust amount or the method used to  
 1779 determine the fair market value of the trust if:

1780 (c) The trustee sends written notice of its intention to  
 1781 take such action, along with copies of such written statement  
 1782 and this section, and, if applicable, the determinations of  
 1783 either the trustee or the disinterested person to:

- 1784 1. The grantor of the trust, if living.
- 1785 2. All living persons who are currently receiving or  
 1786 eligible to receive distributions of income of the trust.
- 1787 3. All living persons who would receive distributions of  
 1788 principal of the trust if the trust were to terminate at the  
 1789 time of the giving of such notice (without regard to the  
 1790 exercise of any power of appointment) or, if the trust does not  
 1791 provide for its termination, all living persons who would  
 1792 receive or be eligible to receive distributions of income or

1793 principal of the trust if the persons identified in subparagraph  
 1794 2. were deceased.

1795 4. All persons acting as advisers or protectors of the  
 1796 trust.

1797  
 1798 Notice under this paragraph shall be served informally by  
 1799 delivering a copy or mailing it to the beneficiary, ~~in the~~  
 1800 ~~manner provided in the Florida Rules of Civil Procedure relating~~  
 1801 ~~to service of pleadings subsequent to the initial pleading.~~

1802 Notice may be served on a legal representative or natural  
 1803 guardian of a person without the filing of any proceeding or  
 1804 approval of any court;

1805 Section 67. Paragraph (b) of subsection (5), paragraph (h)  
 1806 of subsection (6), and paragraph (b) of subsection (9) of  
 1807 section 741.30, Florida Statutes, are amended to read:

1808 741.30 Domestic violence; injunction; powers and duties of  
 1809 court and clerk; petition; notice and hearing; temporary  
 1810 injunction; issuance of injunction; statewide verification  
 1811 system; enforcement.--

1812 (5)

1813 (b) In a hearing ex parte for the purpose of obtaining  
 1814 such ex parte temporary injunction, no evidence other than  
 1815 verified pleadings or affidavits shall be used as evidence,  
 1816 unless the respondent appears at the hearing or has received  
 1817 reasonable notice of the hearing. A denial of a petition for an  
 1818 ex parte injunction shall be by written order noting the legal  
 1819 grounds for denial. When the only ground for denial is no  
 1820 appearance of an immediate and present danger of domestic

1821 violence, the court shall set a full hearing on the petition for  
 1822 injunction with notice at the earliest possible time. Nothing  
 1823 herein affects a petitioner's right to promptly amend any  
 1824 petition, or otherwise be heard in person on any petition  
 1825 consistent with court rule ~~the Florida Rules of Civil Procedure.~~

1826 (6)

1827 (h) All proceedings under this subsection shall be  
 1828 recorded. Recording may be by electronic means ~~as provided by~~  
 1829 ~~the Rules of Judicial Administration.~~

1830 (9)

1831 (b) If the respondent is arrested by a law enforcement  
 1832 officer under s. 901.15(6) or for a violation of s. 741.31, the  
 1833 respondent shall be held in custody until brought before the  
 1834 court as expeditiously as possible for the purpose of enforcing  
 1835 the injunction and for admittance to bail in accordance with  
 1836 chapter 903 ~~and the applicable rules of criminal procedure,~~  
 1837 pending a hearing.

1838 Section 68. Subsection (2) of section 742.16, Florida  
 1839 Statutes, is amended to read:

1840 742.16 Expedited affirmation of parental status for  
 1841 gestational surrogacy.--

1842 (2) After the petition is filed, the court shall fix a  
 1843 time and place for hearing the petition, which may be  
 1844 immediately after the filing of the petition. Notice of hearing  
 1845 shall be given as prescribed by court rule ~~the rules of civil~~  
 1846 ~~procedure~~, and service of process shall be made as specified by  
 1847 law for civil actions.

1848 Section 69. Subsection (11) of section 742.18, Florida

1849 Statutes, is amended to read:

1850 742.18 Disestablishment of paternity or termination of  
1851 child support obligation.--

1852 (11) Nothing in this section precludes an individual from  
1853 seeking relief from a final judgment, decree, order, or  
1854 proceeding pursuant to court rule ~~1.540, Florida Rules of Civil~~  
1855 ~~Procedure~~, or from challenging a paternity determination  
1856 pursuant to s. 742.10(4).

1857 Section 70. Paragraph (d) of subsection (1) of section  
1858 744.3025, Florida Statutes, is amended to read:

1859 744.3025 Claims of minors.--

1860 (1)

1861 (d) The duty of the guardian ad litem is to protect the  
1862 minor's interests ~~as described in the Florida Probate Rules.~~

1863 Section 71. Subsection (2) of section 744.307, Florida  
1864 Statutes, is amended to read:

1865 744.307 Foreign guardian may manage the property of  
1866 nonresident ward.--

1867 (2) The guardian shall designate a resident agent ~~as~~  
1868 ~~required by the Florida Probate Rules.~~

1869 Section 72. Subsection (2) of section 744.447, Florida  
1870 Statutes, is amended to read:

1871 744.447 Petition for authorization to act.--

1872 (2) No notice of a petition to authorize a sale of  
1873 perishable personal property or of property rapidly  
1874 deteriorating shall be required. Notice of a petition to perform  
1875 any other acts under s. 744.441 or s. 744.446 shall be given to  
1876 the ward, to the next of kin, if any, and to those interested

1877 persons who have filed requests for notices and copies of  
 1878 pleadings, ~~as provided in the Florida Probate Rules,~~ unless  
 1879 waived by the court. Notice need not be given to a ward who is  
 1880 under 14 years of age or who has been determined to be totally  
 1881 incapacitated.

1882 Section 73. Section 765.105, Florida Statutes, is amended  
 1883 to read:

1884 765.105 Review of surrogate or proxy's decision.--The  
 1885 patient's family, the health care facility, or the attending  
 1886 physician, or any other interested person who may reasonably be  
 1887 expected to be directly affected by the surrogate or proxy's  
 1888 decision concerning any health care decision may seek expedited  
 1889 judicial intervention ~~pursuant to rule 5.900 of the Florida~~  
 1890 ~~Probate Rules,~~ if that person believes:

1891 (1) The surrogate or proxy's decision is not in accord  
 1892 with the patient's known desires or the provisions of this  
 1893 chapter;

1894 (2) The advance directive is ambiguous, or the patient has  
 1895 changed his or her mind after execution of the advance  
 1896 directive;

1897 (3) The surrogate or proxy was improperly designated or  
 1898 appointed, or the designation of the surrogate is no longer  
 1899 effective or has been revoked;

1900 (4) The surrogate or proxy has failed to discharge duties,  
 1901 or incapacity or illness renders the surrogate or proxy  
 1902 incapable of discharging duties;

1903 (5) The surrogate or proxy has abused powers; or

1904 (6) The patient has sufficient capacity to make his or her

1905 own health care decisions.

1906 Section 74. Section 765.113, Florida Statutes, is amended  
1907 to read:

1908 765.113 Restrictions on providing consent.--Unless the  
1909 principal expressly delegates such authority to the surrogate in  
1910 writing, or a surrogate or proxy has sought and received court  
1911 approval ~~pursuant to rule 5.900 of the Florida Probate Rules~~, a  
1912 surrogate or proxy may not provide consent for:

1913 (1) Abortion, sterilization, electroshock therapy,  
1914 psychosurgery, experimental treatments that have not been  
1915 approved by a federally approved institutional review board in  
1916 accordance with 45 C.F.R. part 46 or 21 C.F.R. part 56, or  
1917 voluntary admission to a mental health facility.

1918 (2) Withholding or withdrawing life-prolonging procedures  
1919 from a pregnant patient prior to viability as defined in s.  
1920 390.0111(4).

1921 Section 75. Paragraph (a) of subsection (3) of section  
1922 768.81, Florida Statutes, is amended to read:

1923 768.81 Comparative fault.--

1924 (3) APPORTIONMENT OF DAMAGES.--In cases to which this  
1925 section applies, the court shall enter judgment against each  
1926 party liable on the basis of such party's percentage of fault  
1927 and not on the basis of the doctrine of joint and several  
1928 liability.

1929 (a) In order to allocate any or all fault to a nonparty, a  
1930 defendant must affirmatively plead the fault of a nonparty and,  
1931 absent a showing of good cause, identify the nonparty, if known,  
1932 or describe the nonparty as specifically as practicable, either

1933 by motion or in the initial responsive pleading when defenses  
 1934 are first presented, subject to amendment any time before trial  
 1935 in accordance with court rule ~~the Florida Rules of Civil~~  
 1936 ~~Procedure.~~

1937 Section 76. Paragraph (b) of subsection (9) of section  
 1938 784.046, Florida Statutes, is amended to read:

1939 784.046 Action by victim of repeat violence, sexual  
 1940 violence, or dating violence for protective injunction; powers  
 1941 and duties of court and clerk of court; filing and form of  
 1942 petition; notice and hearing; temporary injunction; issuance;  
 1943 statewide verification system; enforcement.--

1944 (9)

1945 (b) If the respondent is arrested by a law enforcement  
 1946 officer under s. 901.15(6) for committing an act of repeat  
 1947 violence, sexual violence, or dating violence in violation of an  
 1948 injunction for protection, the respondent shall be held in  
 1949 custody until brought before the court as expeditiously as  
 1950 possible for the purpose of enforcing the injunction and for  
 1951 admittance to bail in accordance with chapter 903 ~~and the~~  
 1952 ~~applicable rules of criminal procedure~~, pending a hearing.

1953 Section 77. Subsection (4) of section 790.157, Florida  
 1954 Statutes, is amended to read:

1955 790.157 Presumption of impairment; testing methods.--

1956 ~~(4) Any person charged with using a firearm while under~~  
 1957 ~~the influence of alcoholic beverages or controlled substances to~~  
 1958 ~~the extent that his or her normal faculties were impaired,~~  
 1959 ~~whether in a municipality or not, shall be entitled to trial by~~  
 1960 ~~jury according to the Florida Rules of Criminal Procedure.~~

1961 Section 78. Paragraph (h) of subsection (8) of section  
 1962 896.101, Florida Statutes, is amended to read:

1963 896.101 Florida Money Laundering Act; definitions;  
 1964 penalties; injunctions; seizure warrants; immunity.--

1965 (8)

1966 (h) Only the lawful owner or the account holder of the  
 1967 monetary instruments or funds being enjoined may request a  
 1968 hearing to contest the order entered pursuant to this section by  
 1969 petitioning the court that issued the order. A hearing must be  
 1970 held within 3 days after the request or as soon as practicable  
 1971 thereafter and before the expiration of the temporary order. The  
 1972 hearing must be set and noticed by the lawful owner of the  
 1973 monetary instruments or funds or his or her attorney. Notice of  
 1974 the hearing must be provided to the petitioner who procured the  
 1975 temporary injunction ~~pursuant to the Florida Rules of Civil~~  
 1976 ~~Procedure~~ but not less than 24 hours before the scheduled  
 1977 hearing. The court may receive and consider at a hearing held  
 1978 pursuant to this subsection, evidence and information that would  
 1979 be inadmissible under the Florida Rules of Evidence. A  
 1980 proceeding under this subsection is governed by the Florida  
 1981 Rules of Civil Procedure.

1982 Section 79. Subsection (2) of section 916.13, Florida  
 1983 Statutes, is amended to read:

1984 916.13 Involuntary commitment of defendant adjudicated  
 1985 incompetent.--

1986 (2) A defendant who has been charged with a felony and who  
 1987 has been adjudicated incompetent to proceed due to mental  
 1988 illness, and who meets the criteria for involuntary commitment

1989 | to the department under the provisions of this chapter, may be  
 1990 | committed to the department, and the department shall retain and  
 1991 | treat the defendant. No later than 6 months after the date of  
 1992 | admission and at the end of any period of extended commitment,  
 1993 | or at any time the administrator or designee shall have  
 1994 | determined that the defendant has regained competency to proceed  
 1995 | or no longer meets the criteria for continued commitment, the  
 1996 | administrator or designee shall file a report with the court  
 1997 | ~~pursuant to the applicable Florida Rules of Criminal Procedure.~~

1998 |         Section 80. Subsection (3) of section 916.15, Florida  
 1999 | Statutes, is amended to read:

2000 |             916.15 Involuntary commitment of defendant adjudicated not  
 2001 | guilty by reason of insanity.--

2002 |             (3) Every defendant acquitted of criminal charges by  
 2003 | reason of insanity and found to meet the criteria for  
 2004 | involuntary commitment may be committed and treated in  
 2005 | accordance with the provisions of this section and the  
 2006 | applicable Florida Rules of Criminal Procedure. The department  
 2007 | shall admit a defendant so adjudicated to an appropriate  
 2008 | facility or program for treatment and shall retain and treat  
 2009 | such defendant. No later than 6 months after the date of  
 2010 | admission, prior to the end of any period of extended  
 2011 | commitment, or at any time the administrator or designee shall  
 2012 | have determined that the defendant no longer meets the criteria  
 2013 | for continued commitment placement, the administrator or  
 2014 | designee shall file a report with the court ~~pursuant to the~~  
 2015 | ~~applicable Florida Rules of Criminal Procedure.~~

2016 |             Section 81. Paragraph (a) of subsection (2) of section

2017 916.302, Florida Statutes, is amended to read:

2018 916.302 Involuntary commitment of defendant determined to  
 2019 be incompetent to proceed.--

2020 (2) ADMISSION TO A FACILITY.--

2021 (a) A defendant who has been charged with a felony and who  
 2022 is found to be incompetent to proceed due to retardation or  
 2023 autism, and who meets the criteria for involuntary commitment to  
 2024 the agency under the provisions of this chapter, shall be  
 2025 committed to the agency, and the agency shall retain and provide  
 2026 appropriate training for the defendant. No later than 6 months  
 2027 after the date of admission or at the end of any period of  
 2028 extended commitment or at any time the administrator or designee  
 2029 shall have determined that the defendant has regained competency  
 2030 to proceed or no longer meets the criteria for continued  
 2031 commitment, the administrator or designee shall file a report  
 2032 with the court pursuant to this chapter ~~and the applicable~~  
 2033 ~~Florida Rules of Criminal Procedure.~~

2034 Section 82. Paragraph (g) of subsection (1) of section  
 2035 924.07, Florida Statutes, is amended to read:

2036 924.07 Appeal by state.--

2037 (1) The state may appeal from:

2038 (g) An order adjudicating a defendant insane ~~under the~~  
 2039 ~~Florida Rules of Criminal Procedure.~~

2040 Section 83. Paragraph (a) of subsection (6) of section  
 2041 932.704, Florida Statutes, is amended to read:

2042 932.704 Forfeiture proceedings.--

2043 (6) (a) If the property is required by law to be titled or  
 2044 registered, or if the owner of the property is known in fact to

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

2056 Section 84. Paragraph (d) of subsection (12) of section  
 2057 984.03, Florida Statutes, is amended to read:

2058 984.03 Definitions.--When used in this chapter, the term:  
 2059 (12) "Child who is found to be dependent" or "dependent  
 2060 child" means a child who, pursuant to this chapter, is found by  
 2061 the court:

2062 (d) To have been voluntarily placed with a licensed child-  
 2063 placing agency for the purposes of subsequent adoption and a  
 2064 natural parent or parents have consented to termination of  
 2065 parental rights ~~signed a consent pursuant to the Florida Rules~~  
 2066 ~~of Juvenile Procedure.~~

2067 Section 85. Subsection (6) of section 984.04, Florida  
 2068 Statutes, is amended to read:

2069 984.04 Families in need of services and children in need  
 2070 of services; procedures and jurisdiction.--

2071 ~~(6) All procedures, including petitions, pleadings,~~  
 2072 ~~subpoenas, summonses, and hearings, in family in need of~~

2073 ~~services cases and child in need of services cases shall be~~  
 2074 ~~according to the Florida Rules of Juvenile Procedure unless~~  
 2075 ~~otherwise provided by law.~~

2076 Section 86. Subsection (13) of section 984.19, Florida  
 2077 Statutes, is amended to read:

2078 984.19 Medical screening and treatment of child;  
 2079 examination of parent, guardian, or person requesting custody.--

2080 (13) At any time after the filing of a petition for a  
 2081 child in need of services, when the mental or physical  
 2082 condition, including the blood group, of a parent, guardian, or  
 2083 other person requesting custody of a child is in controversy,  
 2084 the court may order the person to submit to a physical or mental  
 2085 examination by a qualified professional. The order may be made  
 2086 only upon good cause shown and pursuant to notice ~~and procedures~~  
 2087 ~~as set forth by the Florida Rules of Juvenile Procedure.~~

2088 Section 87. Paragraphs (a) and (b) of subsection (1) and  
 2089 paragraphs (a) and (b) of subsection (2) of section 984.20,  
 2090 Florida Statutes, are amended to read:

2091 984.20 Hearings for child-in-need-of-services cases.--

2092 (1) ARRAIGNMENT HEARING.--

2093 (a) When a child has been taken into custody by order of  
 2094 the court, an arraignment hearing shall be held within 7 days  
 2095 after the date the child is taken into custody. The hearing  
 2096 shall be held for the child and the parent, guardian, or  
 2097 custodian to admit, deny, or consent to findings that a child is  
 2098 in need of services as alleged in the petition. If the child and  
 2099 the parent, guardian, or custodian admit or consent to the  
 2100 findings in the petition, the court shall proceed ~~as set forth~~

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

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

2117 (2) ADJUDICATORY HEARING.--

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

2126 (b) Adjudicatory hearings shall be conducted by the judge  
 2127 without a jury, ~~applying the rules of evidence in use in civil~~  
 2128 ~~eases and adjourning the hearings from time to time as~~

2129 ~~necessary~~. In a hearing on a petition in which it is alleged  
 2130 that the child is a child in need of services, a preponderance  
 2131 of evidence shall be required to establish that the child is in  
 2132 need of services.

2133 Section 88. Paragraph (e) of subsection (4) and paragraph  
 2134 (d) of subsection (6) of section 985.19, Florida Statutes, are  
 2135 amended to read:

2136 985.19 Incompetency in juvenile delinquency cases.--

2137 (4) A child who is determined to have mental illness,  
 2138 mental retardation, or autism, who has been adjudicated  
 2139 incompetent to proceed, and who meets the criteria set forth in  
 2140 subsection (3), must be committed to the Department of Children  
 2141 and Family Services and receive treatment or training in a  
 2142 secure facility or program that is the least restrictive  
 2143 alternative consistent with public safety. Any placement of a  
 2144 child to a secure residential program must be separate from  
 2145 adult forensic programs. If the child attains competency, then  
 2146 custody, case management, and supervision of the child will be  
 2147 transferred to the department in order to continue delinquency  
 2148 proceedings; however, the court retains authority to order the  
 2149 Department of Children and Family Services to provide continued  
 2150 treatment or training to maintain competency.

2151 (e) The service provider must file a written report with  
 2152 the court ~~pursuant to the applicable Florida Rules of Juvenile~~  
 2153 ~~Procedure~~ not later than 6 months after the date of commitment,  
 2154 or at the end of any period of extended treatment or training,  
 2155 and at any time the Department of Children and Family Services,  
 2156 through its service provider determines the child has attained

2157 competency or no longer meets the criteria for secure placement,  
 2158 or at such shorter intervals as ordered by the court. A copy of  
 2159 a written report evaluating the child's competency must be filed  
 2160 by the provider with the court and with the state attorney, the  
 2161 child's attorney, the department, and the Department of Children  
 2162 and Family Services.

2163 (6)

2164 (d) The service provider must file a written report with  
 2165 the court ~~pursuant to the applicable Florida Rules of Juvenile~~  
 2166 ~~Procedure~~, not later than 6 months after the date of commitment,  
 2167 at the end of any period of extended treatment or training, and  
 2168 at any time the service provider determines the child has  
 2169 attained competency or will never attain competency, or at such  
 2170 shorter intervals as ordered by the court. A copy of a written  
 2171 report evaluating the child's competency must be filed by the  
 2172 provider with the court, the state attorney, the child's  
 2173 attorney, the Department of Children and Family Services, and  
 2174 the department.

2175 Section 89. Paragraph (g) of subsection (1) of section  
 2176 985.255, Florida Statutes, is amended to read:

2177 985.255 Detention criteria; detention hearing.--

2178 (1) Subject to s. 985.25(1), a child taken into custody  
 2179 and placed into nonsecure or home detention care or detained in  
 2180 secure detention care prior to a detention hearing may continue  
 2181 to be detained by the court if:

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

2185 child:

2186 1. Has a record of failure to appear at court hearings  
 2187 after being properly notified ~~in accordance with the Rules of~~  
 2188 ~~Juvenile Procedure;~~

2189 2. Has a record of law violations prior to court hearings;

2190 3. Has already been detained or has been released and is  
 2191 awaiting final disposition of the case;

2192 4. Has a record of violent conduct resulting in physical  
 2193 injury to others; or

2194 5. Is found to have been in possession of a firearm.

2195 Section 90. Subsection (6) of section 985.26, Florida  
 2196 Statutes, is amended to read:

2197 985.26 Length of detention.--

2198 (6) If a child is detained and a petition for delinquency  
 2199 is filed, the child shall be arraigned ~~in accordance with the~~  
 2200 ~~Florida Rules of Juvenile Procedure~~ within 48 hours after the  
 2201 filing of the petition for delinquency.

2202 Section 91. Subsection (1) of section 985.35, Florida  
 2203 Statutes, is amended to read:

2204 985.35 Adjudicatory hearings; withheld adjudications;  
 2205 orders of adjudication.--

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

2213 apply.

2214 Section 92. Paragraph (b) of subsection (1) of section  
2215 985.534, Florida Statutes, is amended to read:

2216 985.534 Appeal.--

2217 (1) An appeal from an order of the court affecting a party  
2218 to a case involving a child under this chapter may be taken to  
2219 the appropriate district court of appeal within the time and in  
2220 the manner prescribed by s. 924.051 and the Florida Rules of  
2221 Appellate Procedure by:

2222 (b) The state, which may appeal from:

2223 1. An order dismissing a petition or any section thereof;

2224 2. An order granting a new adjudicatory hearing;

2225 3. An order arresting judgment;

2226 4. A ruling on a question of law when the child is  
2227 adjudicated delinquent and appeals from the judgment;

2228 5. The disposition, on the ground that it is illegal;

2229 6. A judgment discharging a child on habeas corpus;

2230 7. An order adjudicating a child insane ~~under the Florida~~  
2231 ~~Rules of Juvenile Procedure~~; and

2232 8. All other preadjudicatory hearings, except that the  
2233 state may not take more than one appeal under this subsection in  
2234 any case.

2235

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

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2241 | costs of the appeal except for the child's attorney's fee.

2242 |       Section 93. This act shall take effect July 1, 2008.