

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 court rules  
 44 relating to enforcement of income deduction orders;  
 45 amending s. 61.14, F.S.; removing specific reference to a  
 46 court rule relating to enforcement and modification of  
 47 support, maintenance, or alimony agreements; amending s.  
 48 61.16, F.S.; removing specific reference to a court rule  
 49 relating to attorney's fees; amending s. 63.087, F.S.;  
 50 removing specific reference to court rules relating to  
 51 proceedings for termination of parental rights pending  
 52 adoption; amending s. 63.122, F.S.; removing a reference  
 53 to the court rule relating to the notice of hearing on a  
 54 petition; amending s. 68.083, F.S.; removing reference to  
 55 the court rules relating to civil actions for false  
 56 claims; amending s. 83.231, F.S.; removing a reference to

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

85 | amending s. 400.0237, F.S.; removing a reference to court  
 86 | rules on how to amend claims relating to punitive damages;  
 87 | amending s. 409.2563, F.S.; removing a reference to court  
 88 | rule relating to the administrative establishment of child  
 89 | support obligations; amending s. 409.257, F.S.; removing a  
 90 | reference to court rules regarding service of process;  
 91 | amending s. 415.1045, F.S.; removing specific reference to  
 92 | a court rule relating to medical examinations; amending s.  
 93 | 415.1051, F.S.; removing specific reference to a court  
 94 | rule relating to emergency protective services  
 95 | intervention; amending s. 429.293, F.S.; providing a  
 96 | reference to a specific chapter of court rules relating to  
 97 | informal discovery; revising provisions relating to  
 98 | informal discovery used to obtain unsworn statements;  
 99 | amending s. 429.297, F.S.; removing a reference to court  
 100 | rules relating to punitive damages; amending s. 440.31,  
 101 | F.S.; removing specific reference to a court rule relating  
 102 | to the definition of expert witnesses; defining the term  
 103 | "expert witness"; amending s. 447.507, F.S.; removing  
 104 | reference to court rules relating to violation of a strike  
 105 | prohibition; amending s. 448.110, F.S.; removing reference  
 106 | to a specific court rule relating to state minimum wage  
 107 | and annual wage adjustment; amending s. 456.057, F.S.;  
 108 | removing reference to a specific court rule relating to  
 109 | the furnishing of patient records; amending s. 518.112,  
 110 | F.S.; removing a reference to court rules relating to  
 111 | delegation of investment functions; amending s. 552.40,  
 112 | F.S.; removing specific reference to a court rule relating

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

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

169 foreign guardians; amending s. 744.447, F.S.; removing a  
 170 reference to court rules relating to a petition for  
 171 authorization to act; amending s. 765.105, F.S.; removing  
 172 specific reference to a court rule relating to the review  
 173 of a decision by a surrogate or proxy; amending s.  
 174 765.113, F.S.; removing specific reference to a court rule  
 175 relating to restrictions on providing consent; amending s.  
 176 768.72, F.S.; removing a reference to court rules relating  
 177 to pleadings and claims for punitive damages in civil  
 178 actions; amending s. 768.81, F.S.; removing a reference to  
 179 court rules relating to apportionment of damages in  
 180 comparative fault; amending s. 784.046, F.S.; removing a  
 181 reference to court rules relating to repeat violence,  
 182 sexual violence, or dating violence; amending s. 790.157,  
 183 F.S.; removing a reference to trial by jury in court rules  
 184 relating to the presumption of impairment; amending s.  
 185 896.101, F.S.; removing a reference to court rules  
 186 relating to the Florida Money Laundering Act; amending s.  
 187 916.13, F.S.; removing a reference to court rules relating  
 188 to involuntary commitment of a defendant who is  
 189 adjudicated incompetent; amending s. 916.15, F.S.;  
 190 removing a reference to court rules relating to  
 191 involuntary commitment of a defendant who is adjudicated  
 192 not guilty by reason of insanity; amending s. 916.302,  
 193 F.S.; removing a reference to court rules relating to  
 194 involuntary commitment of a defendant who is determined  
 195 incompetent to proceed; amending s. 924.07, F.S.; removing  
 196 a reference to court rules relating to appeals by the

197 state; amending s. 932.704, F.S.; removing a reference to  
 198 court rules relating to forfeiture proceedings; amending  
 199 s. 984.03, F.S.; removing a reference to court rules  
 200 relating to the definition of a dependent child;  
 201 redefining the term "dependent child"; amending s. 984.04,  
 202 F.S.; removing a reference to court rules relating to  
 203 families and children in need of services; amending s.  
 204 984.19, F.S.; removing a reference to court rules relating  
 205 to medical screening and treatment regarding custody;  
 206 amending s. 984.20, F.S.; removing references to court  
 207 rules relating to hearings for child-in-need-of-services  
 208 cases; amending s. 985.19, F.S.; removing references to  
 209 court rules relating to incompetency in juvenile  
 210 delinquency cases; amending s. 985.255, F.S.; removing a  
 211 reference to court rules relating to detention criteria  
 212 and hearings; amending s. 985.26, F.S.; removing a  
 213 reference to court rules relating to length of detention;  
 214 amending s. 985.35, F.S.; removing a reference to court  
 215 rules relating to adjudicatory hearings; amending s.  
 216 985.534, F.S.; removing a reference to court rules  
 217 relating to appeals; providing an effective date.

218  
 219 Be It Enacted by the Legislature of the State of Florida:

220  
 221 Section 1. Paragraph (a) of subsection (5) of section  
 222 27.51, Florida Statutes, is amended to read:  
 223 27.51 Duties of public defender.--



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

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

246 34.01 Jurisdiction of county court.--

247 (2) The county courts shall have jurisdiction previously  
 248 exercised by county judges' courts other than that vested in the  
 249 circuit court by s. 26.012, except that county court judges may  
 250 hear matters involving ~~dissolution of marriage under the~~  
 251 ~~simplified dissolution procedure pursuant to the Florida Family~~

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252 ~~Law Rules of Procedure~~ or may issue a final order for  
 253 dissolution in cases where the matter is uncontested, and the  
 254 jurisdiction previously exercised by county courts, the claims  
 255 court, small claims courts, small claims magistrates courts,  
 256 magistrates courts, justice of the peace courts, municipal  
 257 courts, and courts of chartered counties, including but not  
 258 limited to the counties referred to in ss. 9, 10, 11, and 24,  
 259 Art. VIII of the State Constitution of 1885, as preserved by s.  
 260 (6) (e), Art. VIII of the State Constitution of 1968.

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

263 34.011 Jurisdiction in landlord and tenant cases.--

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

275 Section 4. Paragraph (d) of subsection (14) of section  
 276 39.01, Florida Statutes, is amended to read:

277 39.01 Definitions.--When used in this chapter, unless the  
 278 context otherwise requires:

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

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

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

288 39.4086 Pilot program for attorneys ad litem for dependent  
 289 children.--

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

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

299 39.504 Injunction pending disposition of petition;  
 300 penalty.--

301 (2) Notice shall be provided to the parties as required by  
 302 court rule ~~set forth in the Florida Rules of Juvenile Procedure,~~  
 303 unless the child is reported to be in imminent danger, in which  
 304 case the court may issue an injunction immediately. A judge may  
 305 issue an emergency injunction pursuant to this section without  
 306 notice at times when the court is closed for the transaction of

307 judicial business. When such an immediate injunction is issued,  
 308 the court shall hold a hearing on the next day of judicial  
 309 business either to dissolve the injunction or to continue or  
 310 modify it in accordance with the other provisions of this  
 311 section.

312 Note.--Former s. 39.4055.

313  
 314 Section 7. Paragraph (a) of subsection (1) and subsection  
 315 (2) of section 39.507, Florida Statutes, are amended to read:

316 39.507 Adjudicatory hearings; orders of adjudication.--

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

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

334 Note.--Former ss. 39.408(2), 39.409.

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

39.603 Court approvals of case planning.--

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

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

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

Note.--Former s. 39.452(5).

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

39.701 Judicial review.--

(2)

(b) Citizen review panels may conduct hearings to review the status of a child. The court shall select the cases

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

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

385 Note.--Former s. 39.453.

386  
 387 Section 10. Paragraphs (b), (c), and (d) of subsection (3)  
 388 of section 39.801, Florida Statutes, are amended to read:

389 39.801 Procedures and jurisdiction; notice; service of  
 390 process.--

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

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

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

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

416 Note.--Former ss. 39.46, 39.462.  
 417

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

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

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

427 Note.--Former ss. 39.461, 39.4611.

428  
 429 Section 12. Paragraph (d) of subsection (2) of section  
 430 39.807, Florida Statutes, is amended to read:

431 39.807 Right to counsel; guardian ad litem.--

432 (2)

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

436 Note.--Former s. 39.465.

437  
 438 Section 13. Subsection (1) of section 39.824, Florida  
 439 Statutes, is amended to read:

440 39.824 Procedures and jurisdiction.--

441 ~~(1) The Supreme Court is requested to adopt rules of~~  
 442 ~~juvenile procedure by October 1, 1989, to implement this part.~~  
 443 All procedures, including petitions, pleadings, subpoenas,  
 444 summonses, and hearings in cases for the appointment of a



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445 guardian advocate shall be according to the Florida Rules of  
 446 Juvenile Procedure unless otherwise provided by law.

447 Note.--Former s. 415.5083.

448

449 Section 14. Section 39.825, Florida Statutes, is amended  
 450 to read:

451 39.825 Petition for appointment of a guardian advocate.--A  
 452 petition for appointment of a guardian advocate may be filed by  
 453 the department, any relative of the child, any licensed health  
 454 care professional, or any other interested person. The petition  
 455 shall be in writing and shall be signed by the petitioner under  
 456 oath stating his or her good faith in filing the petition. ~~The~~  
 457 ~~form of the petition and its contents shall be determined by the~~  
 458 ~~Florida Rules of Juvenile Procedure.~~

459 Note.--Former s. 415.5084.

460

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

463 48.27 Certified process servers.--

464 (3) Nothing herein shall be interpreted to exclude a  
 465 sheriff or deputy or other person appointed by the sheriff  
 466 pursuant to s. 48.021 from serving process or to exclude a  
 467 person from appointment by individual motion and order to serve  
 468 process in any civil action ~~in accordance with Rule 1.070(b) of~~  
 469 ~~the Florida Rules of Civil Procedure.~~

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

472 55.503 Recording and status of foreign judgments; fees.--

473 (1) A copy of any foreign judgment certified in accordance  
 474 with the laws of the United States or of this state may be  
 475 recorded in the office of the clerk of the circuit court of any  
 476 county. The clerk shall file, record, and index the foreign  
 477 judgment in the same manner as a judgment of a circuit or county  
 478 court of this state. A judgment so recorded shall have the same  
 479 effect and shall be subject to the same rules of ~~civil~~  
 480 procedure, legal and equitable defenses, and proceedings for  
 481 reopening, vacating, or staying judgments, and it may be  
 482 enforced, released, or satisfied, as a judgment of a circuit or  
 483 county court of this state.

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

486 56.29 Proceedings supplementary.--

487 (3) The order shall be served in a reasonable time before  
 488 the date of the examination in the manner provided for ~~service~~  
 489 ~~of summons or may be served on such defendant or his or her~~  
 490 ~~attorney as provided for service of papers~~ in the rules of ~~civil~~  
 491 procedure.

492 Note.--Former ss. 55.52-55.611.

493  
 494 Section 18. Paragraph (b) of subsection (2) of section  
 495 61.1301, Florida Statutes, is amended to read:

496 61.1301 Income deduction orders.--

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

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

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

502 2. Service upon an obligor's payor or successor payor  
 503 under this section shall be made by prepaid certified mail,  
 504 return receipt requested, or in the manner prescribed in chapter  
 505 48.

506 Section 19. Paragraph (a) of subsection (6) of section  
 507 61.14, Florida Statutes, is amended to read:

508 61.14 Enforcement and modification of support,  
 509 maintenance, or alimony agreements or orders.--

510 (6) (a) 1. When support payments are made through the local  
 511 depository or through the State Disbursement Unit, any payment  
 512 or installment of support which becomes due and is unpaid under  
 513 any support order is delinquent; and this unpaid payment or  
 514 installment, and all other costs and fees herein provided for,  
 515 become, after notice to the obligor and the time for response as  
 516 set forth in this subsection, a final judgment by operation of  
 517 law, which has the full force, effect, and attributes of a  
 518 judgment entered by a court in this state for which execution  
 519 may issue. No deduction shall be made by the local depository  
 520 from any payment made for costs and fees accrued in the judgment  
 521 by operation of law process under paragraph (b) until the total  
 522 amount of support payments due the obligee under the judgment  
 523 has been paid.

524 2. A certified statement by the local depository  
 525 evidencing a delinquency in support payments constitute evidence  
 526 of the final judgment under this paragraph.

527           3. The judgment under this paragraph is a final judgment  
 528 as to any unpaid payment or installment of support which has  
 529 accrued up to the time either party files a motion with the  
 530 court to alter or modify the support order, and such judgment  
 531 may not be modified by the court. The court may modify such  
 532 judgment as to any unpaid payment or installment of support  
 533 which accrues after the date of the filing of the motion to  
 534 alter or modify the support order. This subparagraph does not  
 535 prohibit the court from providing relief from the judgment  
 536 pursuant to court Rule ~~1.540, Florida Rules of Civil Procedure.~~

537           Note.--Former s. 65.15.

538  
 539           Section 20. Subsection (2) of section 61.16, Florida  
 540 Statutes, is amended to read:

541           61.16 Attorney's fees, suit money, and costs.--

542           (2) In an action for contempt ~~brought pursuant to Rule~~  
 543 ~~3.840, Florida Rules of Criminal Procedure~~, whether denominated  
 544 direct or indirect criminal contempt, the court shall have  
 545 authority to:

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

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

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

552           Note.--Former s. 65.17.

553

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554 Section 21. Subsection (5), subsection (6) of section  
555 63.087, Florida Statutes, are amended to read:

556 63.087 Proceeding to terminate parental rights pending  
557 adoption; general provisions.--

558 (5) SUMMONS TO BE ISSUED.--The petitioner shall cause a  
559 summons to be issued ~~substantially in the form provided in Form~~  
560 ~~1.902, Florida Rules of Civil Procedure.~~ The petition and  
561 summons shall be served upon any person whose consent has been  
562 provided but who has not waived service of the pleadings and  
563 notice of the hearing thereon and also upon any person whose  
564 consent is required but who has not provided that consent.

565 (6) ANSWER REQUIRED.--An answer to the petition or any  
566 pleading requiring an answer shall be filed ~~in accordance with~~  
567 ~~the Florida Rules of Civil Procedure.~~ Failure to file a written  
568 response or to appear at the hearing on the petition constitutes  
569 grounds upon which the court may terminate parental rights. The  
570 petitioner shall provide notice of the final hearing by United  
571 States mail to any person who has been served with the summons  
572 and petition for termination of parental rights within the  
573 specified time periods. Notwithstanding the filing of any answer  
574 or any pleading, any person present at the hearing to terminate  
575 parental rights pending adoption whose consent to adoption is  
576 required under s. 63.062 must:

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

580 (b) Be given an opportunity to deny the allegations in the  
581 petition.

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

584 63.122 Notice of hearing on petition.--

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

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

591 68.083 Civil actions for false claims.--

592 (2) A person may bring a civil action for a violation of  
 593 s. 68.082 for the person and for the affected agency. Civil  
 594 actions instituted under this act ~~shall be governed by the~~  
 595 ~~Florida Rules of Civil Procedure~~ and shall be brought in the  
 596 name of the State of Florida. Prior to the court unsealing the  
 597 complaint under subsection (3), the action may be voluntarily  
 598 dismissed by the person bringing the action only if the  
 599 department gives written consent to the dismissal and its  
 600 reasons for such consent.

601 Section 24. Section 83.231, Florida Statutes, is amended  
 602 to read:

603 83.231 Removal of tenant; judgment.--If the issues are  
 604 found for plaintiff, judgment shall be entered that plaintiff  
 605 recover possession of the premises. If the plaintiff expressly  
 606 and specifically sought money damages in the complaint, in  
 607 addition to awarding possession of the premises to the  
 608 plaintiff, the court shall also direct, in an amount which is  
 609 within its jurisdictional limitations, the entry of a money

610 judgment in favor of the plaintiff and against the defendant for  
 611 the amount of money found due, owing, and unpaid by the  
 612 defendant, with costs. However, no money judgment shall be  
 613 entered unless service of process has been effected by personal  
 614 service or, where authorized by law, by certified or registered  
 615 mail, return receipt, or in any other manner prescribed by law  
 616 or the rules of the court, ~~and no money judgment may be entered~~  
 617 ~~except in compliance with the Florida Rules of Civil Procedure.~~  
 618 Where otherwise authorized by law, the plaintiff in the judgment  
 619 for possession and money damages may also be awarded attorney's  
 620 fees and costs. If the issues are found for defendant, judgment  
 621 shall be entered dismissing the action.

622 Note.--Former s. 83.34.

623  
 624 Section 25. Section 83.625, Florida Statutes, is amended  
 625 to read:

626 83.625 Power to award possession and enter money  
 627 judgment.--In an action by the landlord for possession of a  
 628 dwelling unit based upon nonpayment of rent, if the court finds  
 629 the rent is due, owing, and unpaid and by reason thereof the  
 630 landlord is entitled to possession of the premises, the court,  
 631 in addition to awarding possession of the premises to the  
 632 landlord, shall direct, in an amount which is within its  
 633 jurisdictional limitations, the entry of a money judgment with  
 634 costs in favor of the landlord and against the tenant for the  
 635 amount of money found due, owing, and unpaid by the tenant to  
 636 the landlord. However, no money judgment shall be entered unless  
 637 service of process has been effected by personal service or,

638 | where authorized by law, by certified or registered mail, return  
 639 | receipt, or in any other manner prescribed by law or the rules  
 640 | of the court; ~~and no money judgment may be entered except in~~  
 641 | ~~compliance with the Florida Rules of Civil Procedure.~~ The  
 642 | prevailing party in the action may also be awarded attorney's  
 643 | fees and costs.

644 | Section 26. Paragraph (c) of subsection (3) of section  
 645 | 222.30, Florida Statutes, is amended to read:

646 | 222.30 Fraudulent asset conversions.--

647 | (3) In an action for relief against a fraudulent asset  
 648 | conversion, a creditor may obtain:

649 | (c) Subject to applicable principles of equity ~~and in~~  
 650 | ~~accordance with applicable rules of civil procedure:~~

651 | 1. An injunction against further conversion by the debtor  
 652 | of the asset or of other property.

653 | 2. Any other relief the circumstances may require.

654 | Section 27. Paragraph (b) of subsection (4) of section  
 655 | 255.071, Florida Statutes, is amended to read:

656 | 255.071 Payment of subcontractors, sub-subcontractors,  
 657 | materialmen, and suppliers on construction contracts for public  
 658 | projects.--

659 | (4) After service of the complaint, the court shall  
 660 | conduct an evidentiary hearing on the complaint, upon not less  
 661 | than 15 days' written notice. The person providing labor,  
 662 | services, or materials is entitled to the following remedies to  
 663 | the extent of the undisputed amount due for labor or services  
 664 | performed or materials supplied, and upon proof of each  
 665 | allegation in the complaint:



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

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

671 316.1934 Presumption of impairment; testing methods.--

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

675 Note.--Former s. 322.262.

676  
 677 Section 29. Subsection (4) of section 327.354, Florida  
 678 Statutes, is amended to read:

679 327.354 Presumption of impairment; testing methods.--

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

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

685 364.183 Access to company records.--

686 (2) Discovery in any docket or proceeding before the  
 687 commission shall be in the manner provided for in ~~Rule 1.280 of~~  
 688 the Florida Rules of Civil Procedure. Upon a showing by a  
 689 company or other person and a finding by the commission that  
 690 discovery will require the disclosure of proprietary  
 691 confidential business information, the commission shall issue an  
 692 appropriate protective order designating the manner for handling  
 693 such information during the course of the proceeding and for

694 protecting such information from disclosure outside the  
 695 proceeding. Such proprietary confidential business information  
 696 shall be exempt from s. 119.07(1). Any records provided pursuant  
 697 to a discovery request for which proprietary confidential  
 698 business information status is requested shall be treated by the  
 699 commission and the Office of the Public Counsel and any other  
 700 party subject to the public records law as confidential and  
 701 shall be exempt from s. 119.07(1), pending a formal ruling on  
 702 such request by the commission or the return of the records to  
 703 the person providing the records. Any record which has been  
 704 determined to be proprietary confidential business information  
 705 and is not entered into the official record of the proceeding  
 706 shall be returned to the person providing the record within 60  
 707 days after the final order, unless the final order is appealed.  
 708 If the final order is appealed, any such record shall be  
 709 returned within 30 days after the decision on appeal. The  
 710 commission shall adopt the necessary rules to implement this  
 711 subsection.

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

714 366.093 Public utility records; confidentiality.--

715 (2) Discovery in any docket or proceeding before the  
 716 commission shall be in the manner provided for in ~~Rule 1.280~~ of  
 717 the Florida Rules of Civil Procedure. Information which affects  
 718 a utility's rates or cost of service shall be considered  
 719 relevant for purposes of discovery in any docket or proceeding  
 720 where the utility's rates or cost of service are at issue. The  
 721 commission shall determine whether information requested in

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

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

748 367.156 Public utility records; confidentiality.--

749           (2) Discovery in any docket or proceeding before the  
 750 commission shall be in the manner provided for in ~~Rule 1.280~~ of  
 751 the Florida Rules of Civil Procedure. Information which affects  
 752 a utility's rates or cost of service shall be considered  
 753 relevant for purposes of discovery in any docket or proceeding  
 754 where the utility's rates or cost of service are at issue. The  
 755 commission shall determine whether information requested in  
 756 discovery affects a utility's rates or cost of service. Upon  
 757 showing by a utility or other person and a finding by the  
 758 commission that discovery will require the disclosure of  
 759 proprietary confidential business information, the commission  
 760 shall issue appropriate protective orders designating the manner  
 761 for handling such information during the course of the  
 762 proceeding and for protecting such information from disclosure  
 763 outside the proceeding. Such proprietary confidential business  
 764 information shall be exempt from s. 119.07(1). Any records  
 765 provided pursuant to a discovery request for which proprietary  
 766 confidential business information status is requested shall be  
 767 treated by the commission and the office of the Public Counsel  
 768 and any other party subject to the public records act as  
 769 confidential and shall be exempt from s. 119.07(1), pending a  
 770 formal ruling on such request by the commission or the return of  
 771 the records to the person providing the records. Any record  
 772 which has been determined to be proprietary confidential  
 773 business information and is not entered into the official record  
 774 of the proceeding must be returned to the person providing the  
 775 record within 60 days after the final order, unless the final  
 776 order is appealed. If the final order is appealed, any such

777 record must be returned within 30 days after the decision on  
 778 appeal. The commission shall adopt the necessary rules to  
 779 implement this provision.

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

782 368.108 Confidentiality; discovery.--

783 (2) Discovery in any docket or proceeding before the  
 784 commission shall be in the manner provided for in ~~Rule 1.280 of~~  
 785 the Florida Rules of Civil Procedure. Information which affects  
 786 a natural gas transmission company's rates or cost of service  
 787 shall be considered relevant for purposes of discovery in any  
 788 docket or proceeding where the natural gas transmission  
 789 company's rates or cost of service are at issue. The commission  
 790 shall determine whether information requested in discovery  
 791 affects a natural gas transmission company's rates or cost of  
 792 service. Upon a showing by a natural gas transmission company or  
 793 other person and a finding by the commission that discovery will  
 794 require the disclosure of proprietary confidential business  
 795 information, the commission shall issue appropriate protective  
 796 orders designating the manner for handling such information  
 797 during the course of the proceeding and for protecting such  
 798 information from disclosure outside the proceeding. Such  
 799 proprietary confidential business information shall be exempt  
 800 from s. 119.07(1). Any records provided pursuant to a discovery  
 801 request for which proprietary confidential business information  
 802 status is requested shall be treated by the commission and the  
 803 office of the Public Counsel and any other party subject to the  
 804 public records law as confidential and shall be exempt from s.

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805 119.07(1) pending a formal ruling on such request by the  
 806 commission or the return of the records to the person providing  
 807 the records. Any record which has been determined to be  
 808 proprietary confidential business information and is not entered  
 809 into the official record of the proceeding must be returned to  
 810 the person providing the record within 60 days after the final  
 811 order, unless the final order is appealed. If the final order is  
 812 appealed, any such record must be returned within 30 days after  
 813 the decision on appeal. The commission shall adopt the necessary  
 814 rules to implement this provision.

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

817 392.60 Right of appeal; immediate release.--

818 (1) Any person who is aggrieved by the entry of an order  
 819 under s. 392.55, s. 392.56, or s. 392.57 may ~~shall have the~~  
 820 ~~period of time provided by the Florida Rules of Appellate~~  
 821 ~~Procedure within which to~~ appeal an order of ~~from~~ the circuit  
 822 court. Every order entered under the terms of s. 392.55, s.  
 823 392.56, or s. 392.57 shall be executed immediately unless the  
 824 court entering such order or the appellate court, in its  
 825 discretion, enters a supersedeas order and fixes the terms and  
 826 conditions thereof.

827 Section 35. Paragraph (a) of subsection (12) of section  
 828 393.11, Florida Statutes, is amended to read:

829 393.11 Involuntary admission to residential services.--

830 (12) APPEAL.--

831 (a) Any party to the proceeding who is affected by an  
 832 order of the court, including the agency, may appeal ~~to the~~

833 ~~appropriate district court of appeal within the time and in the~~  
 834 ~~manner prescribed by the Florida Rules of Appellate Procedure.~~

835 Section 36. Paragraph (b) of subsection (1) of section  
 836 393.12, Florida Statutes, is amended to read:

837 393.12 Capacity; appointment of guardian advocate.--

838 (1) CAPACITY.--

839 (b) The issue of capacity of a person with developmental  
 840 disabilities shall be determined in a separate proceeding  
 841 according to the procedures and requirements of chapter 744 ~~and~~  
 842 ~~the Florida Probate Rules.~~

843 Section 37. Paragraph (a) of subsection (7),  
 844 subsection (10), and subsection (11) of section 400.0233,  
 845 Florida Statutes, are amended to read:

846 400.0233 Presuit notice; investigation; notification of  
 847 violation of resident's rights or alleged negligence; claims  
 848 evaluation procedure; informal discovery; review; settlement  
 849 offer; mediation.--

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

853 (a) Unsworn statements.--Any party may require other  
 854 parties to appear for the taking of an unsworn statement. Such  
 855 statements may be used only for the purpose of claims evaluation  
 856 and are not discoverable or admissible in any civil action for  
 857 any purpose by any party. A party seeking to take the unsworn  
 858 statement of any party must give reasonable notice in writing to  
 859 all parties. The notice must state the time and place for taking  
 860 the statement and the name and address of the party to be

861 examined. Unless otherwise impractical, the examination of any  
 862 party must be done at the same time by all other parties. Any  
 863 party may be represented by counsel at the taking of an unsworn  
 864 statement. An unsworn statement may be recorded electronically,  
 865 stenographically, or on videotape. The procedure for the taking  
 866 of an unsworn statement shall be as if the statement were an  
 867 unsworn statement as provided in ~~statements is subject to the~~  
 868 ~~provisions of~~ the Florida Rules of Civil Procedure related to  
 869 medical malpractice presuit screening. The taking of the  
 870 statement ~~and~~ may be terminated for abuses.

871 (10) To the extent not inconsistent with this part, the  
 872 provisions of chapter 44 and the ~~Florida Mediation Code~~, Florida  
 873 Rules of Civil Procedure, shall be applicable to such  
 874 proceedings.

875 (11) Within 30 days after the claimant's receipt of the  
 876 defendant's response to the claim, the parties or their  
 877 designated representatives shall meet in mediation to discuss  
 878 the issues of liability and damages in accordance with chapter  
 879 44 and the mediation rules of practice and procedures adopted by  
 880 the Supreme Court and applicable to civil actions in circuit  
 881 court. Upon stipulation of the parties, this 30-day period may  
 882 be extended and the statute of limitations is tolled during the  
 883 mediation and any such extension. At the conclusion of  
 884 mediation, the claimant shall have 60 days or the remainder of  
 885 the period of the statute of limitations, whichever is greater,  
 886 within which to file suit.

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



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889 400.0237 Punitive damages; pleading; burden of proof.--  
 890 (1) In any action for damages brought under this part, no  
 891 claim for punitive damages shall be permitted unless there is a  
 892 reasonable showing by evidence in the record or proffered by the  
 893 claimant which would provide a reasonable basis for recovery of  
 894 such damages. ~~The claimant may move to amend her or his~~  
 895 ~~complaint to assert a claim for punitive damages as allowed by~~  
 896 ~~the rules of civil procedure.~~ The rules of civil procedure shall  
 897 be liberally construed so as to allow the claimant discovery of  
 898 evidence which appears reasonably calculated to lead to  
 899 admissible evidence on the issue of punitive damages. No  
 900 discovery of financial worth shall proceed until after the  
 901 pleading concerning punitive damages is permitted.

902 Section 39. Paragraph (m) of subsection (4) of section  
 903 409.2563, Florida Statutes, is amended to read:

904 409.2563 Administrative establishment of child support  
 905 obligations.--

906 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE  
 907 SUPPORT ORDER.--To commence a proceeding under this section, the  
 908 department shall provide to the custodial parent and serve the  
 909 noncustodial parent with a notice of proceeding to establish  
 910 administrative support order and a blank financial affidavit  
 911 form. The notice must state:

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

916           1. The noncustodial parent may request in writing that the  
 917 department proceed in circuit court to determine his or her  
 918 support obligations.

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

922           3. If the noncustodial parent submits the request  
 923 authorized in subparagraph 1., or the statement authorized in  
 924 subparagraph 2. to the department within 20 days after the  
 925 receipt of the initial notice, the department shall file a  
 926 petition in circuit court for the determination of the  
 927 noncustodial parent's child support obligations, and shall send  
 928 to the noncustodial parent a copy of its petition, a notice of  
 929 commencement of action, and a request for waiver of service of  
 930 process ~~as provided in the Florida Rules of Civil Procedure.~~

931           4. If, within 10 days after receipt of the department's  
 932 petition and waiver of service, the noncustodial parent signs  
 933 and returns the waiver of service form to the department, the  
 934 department shall terminate the administrative proceeding without  
 935 prejudice and proceed in circuit court.

936           5. In any circuit court action filed by the department  
 937 pursuant to this paragraph or filed by a noncustodial parent or  
 938 other person pursuant to paragraph (l) or paragraph (n), the  
 939 department shall be a party only with respect to those issues of  
 940 support allowed and reimbursable under Title IV-D of the Social  
 941 Security Act. It is the responsibility of the noncustodial  
 942 parent or other person to take the necessary steps to present  
 943 other issues for the court to consider.

944  
 945 The department may serve the notice of proceeding to establish  
 946 administrative support order by certified mail, restricted  
 947 delivery, return receipt requested. Alternatively, the  
 948 department may serve the notice by any means permitted for  
 949 service of process in a civil action. For purposes of this  
 950 section, an authorized employee of the department may serve the  
 951 notice and execute an affidavit of service. Service by certified  
 952 mail is completed when the certified mail is received or refused  
 953 by the addressee or by an authorized agent as designated by the  
 954 addressee in writing. If a person other than the addressee signs  
 955 the return receipt, the department shall attempt to reach the  
 956 addressee by telephone to confirm whether the notice was  
 957 received, and the department shall document any telephonic  
 958 communications. If someone other than the addressee signs the  
 959 return receipt, the addressee does not respond to the notice,  
 960 and the department is unable to confirm that the addressee has  
 961 received the notice, service is not completed and the department  
 962 shall attempt to have the addressee served personally. The  
 963 department shall provide the custodial parent or caretaker  
 964 relative with a copy of the notice by regular mail to the last  
 965 known address of the custodial parent or caretaker.

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

968 409.257 Service of process.--

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

972 Section 41. Paragraph (b) of subsection (2) of section  
 973 415.1045, Florida Statutes, is amended to read:

974 415.1045 Photographs, videotapes, and medical  
 975 examinations; abrogation of privileged communications;  
 976 confidential records and documents.--

977 (2) MEDICAL EXAMINATIONS.--

978 (b) Upon admission to a hospital or health care facility,  
 979 with the consent of the vulnerable adult who has capacity to  
 980 consent or that person's guardian, or pursuant to s. 415.1051,  
 981 the medical staff of the facility may examine, diagnose, or  
 982 treat the vulnerable adult. If a person who has legal authority  
 983 to give consent for the provision of medical treatment to a  
 984 vulnerable adult has not given or has refused to give such  
 985 consent, examination and treatment must be limited to reasonable  
 986 examination of the patient to determine the medical condition of  
 987 the patient and treatment reasonably necessary to alleviate the  
 988 medical condition or to stabilize the patient pending a  
 989 determination by the court of the department's petition  
 990 authorizing protective services. Any person may seek an  
 991 expedited judicial intervention under ~~rule 5.900~~ of the Florida  
 992 Probate Rules concerning medical treatment procedures.

993 Section 42. Paragraph (c) of subsection (2) of section  
 994 415.1051, Florida Statutes, is amended to read:

995 415.1051 Protective services interventions when capacity  
 996 to consent is lacking; nonemergencies; emergencies; orders;  
 997 limitations.--

998 (2) EMERGENCY PROTECTIVE SERVICES INTERVENTION.--If the  
 999 department has reasonable cause to believe that a vulnerable

1000 adult is suffering from abuse or neglect that presents a risk of  
 1001 death or serious physical injury to the vulnerable adult and  
 1002 that the vulnerable adult lacks the capacity to consent to  
 1003 emergency protective services, the department may take action  
 1004 under this subsection. If the vulnerable adult has the capacity  
 1005 to consent and refuses consent to emergency protective services,  
 1006 emergency protective services may not be provided.

1007 (c) Emergency medical treatment.--If, upon admission to a  
 1008 medical facility, it is the opinion of the medical staff that  
 1009 immediate medical treatment is necessary to prevent serious  
 1010 physical injury or death, and that such treatment does not  
 1011 violate a known health care advance directive prepared by the  
 1012 vulnerable adult, the medical facility may proceed with  
 1013 treatment to the vulnerable adult. If a person with legal  
 1014 authority to give consent for the provision of medical treatment  
 1015 to a vulnerable adult has not given or has refused to give such  
 1016 consent, examination and treatment must be limited to reasonable  
 1017 examination of the patient to determine the medical condition of  
 1018 the patient and treatment reasonably necessary to alleviate the  
 1019 emergency medical condition or to stabilize the patient pending  
 1020 court determination of the department's petition authorizing  
 1021 emergency protective services. Any person may seek an expedited  
 1022 judicial intervention under ~~rule 5.900~~ of the Florida Probate  
 1023 Rules concerning medical treatment procedures.

1024 Section 43. Paragraph (a) of subsection (7), subsection  
 1025 (10), and subsection (11) of section 429.293, Florida Statutes,  
 1026 are amended to read:

1027 429.293 Presuit notice; investigation; notification of  
 1028 violation of residents' rights or alleged negligence; claims  
 1029 evaluation procedure; informal discovery; review; settlement  
 1030 offer; mediation.--

1031 (7) Informal discovery may be used by a party to obtain  
 1032 unsworn statements and the production of documents or things, as  
 1033 follows:

1034 (a) Unsworn statements.--Any party may require other  
 1035 parties to appear for the taking of an unsworn statement. Such  
 1036 statements may be used only for the purpose of claims evaluation  
 1037 and are not discoverable or admissible in any civil action for  
 1038 any purpose by any party. A party seeking to take the unsworn  
 1039 statement of any party must give reasonable notice in writing to  
 1040 all parties. The notice must state the time and place for taking  
 1041 the statement and the name and address of the party to be  
 1042 examined. Unless otherwise impractical, the examination of any  
 1043 party must be done at the same time by all other parties. Any  
 1044 party may be represented by counsel at the taking of an unsworn  
 1045 statement. An unsworn statement may be recorded electronically,  
 1046 stenographically, or on videotape. The procedure for the taking  
 1047 of an unsworn statement shall be as if the statement were an  
 1048 unsworn statement as provided in ~~statements is subject to the~~  
 1049 ~~provisions of~~ the Florida Rules of Civil Procedure related to  
 1050 medical malpractice presuit screening. The taking of the  
 1051 statement ~~and~~ may be terminated for abuses.

1052 (10) To the extent not inconsistent with this part, the  
 1053 provisions of chapter 44 and the ~~Florida Mediation Code~~, Florida

1054 Rules of Civil Procedure, shall be applicable to such  
 1055 proceedings.

1056 (11) Within 30 days after the claimant's receipt of  
 1057 defendant's response to the claim, the parties or their  
 1058 designated representatives shall meet in mediation to discuss  
 1059 the issues of liability and damages in accordance with the  
 1060 chapter 44 and mediation rules of practice and procedures  
 1061 adopted by the Supreme Court and applicable to civil actions in  
 1062 circuit court. Upon stipulation of the parties, this 30-day  
 1063 period may be extended and the statute of limitations is tolled  
 1064 during the mediation and any such extension. At the conclusion  
 1065 of mediation, the claimant shall have 60 days or the remainder  
 1066 of the period of the statute of limitations, whichever is  
 1067 greater, within which to file suit.

1068 Note.--Former s. 400.4293.

1070 Section 44. Subsection (1) of section 429.297, Florida  
 1071 Statutes, is amended to read:

1072 429.297 Punitive damages; pleading; burden of proof.--

1073 (1) In any action for damages brought under this part, no  
 1074 claim for punitive damages shall be permitted unless there is a  
 1075 reasonable showing by evidence in the record or proffered by the  
 1076 claimant which would provide a reasonable basis for recovery of  
 1077 such damages. ~~The claimant may move to amend her or his~~  
 1078 ~~complaint to assert a claim for punitive damages as allowed by~~  
 1079 ~~the rules of civil procedure~~. The rules of civil procedure shall  
 1080 be liberally construed so as to allow the claimant discovery of  
 1081 evidence which appears reasonably calculated to lead to

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1082 | admissible evidence on the issue of punitive damages. No  
 1083 | discovery of financial worth shall proceed until after the  
 1084 | pleading concerning punitive damages is permitted.

1085 |       Section 45. Section 440.31, Florida Statutes, is amended  
 1086 | to read:

1087 |       440.31 Witness fees.--

1088 |       (1) Each witness who appears in obedience to a subpoena is  
 1089 | ~~shall be~~ entitled to the same fees as witnesses in a civil  
 1090 | action in the circuit court. ~~;~~ ~~however, any~~

1091 |       (2) Each expert witness, as defined in Rule 1.390(a) of the  
 1092 | ~~Florida Rules of Civil Procedure, who testifies shall have~~  
 1093 | ~~testified~~ in any proceeding under this chapter shall be allowed  
 1094 | a witness fee, including the cost of any exhibits used by such  
 1095 | witness, in such reasonable amount as the judge of compensation  
 1096 | claims may determine, not in excess of the rate prevailing in  
 1097 | the locality for witness fees for such expert witnesses in  
 1098 | workers' compensation proceedings, notwithstanding the  
 1099 | limitation provided in s. 92.231. As used in this subsection, an  
 1100 | expert witness is a person duly and regularly engaged in the  
 1101 | practice of a profession who holds a professional degree from a  
 1102 | university or college and who has had special professional  
 1103 | training and experience, or a person possessed of special  
 1104 | knowledge or skill about the subject upon which he or she is  
 1105 | called to testify.

1106 |       Section 46. Subsection (2) of section 447.507, Florida  
 1107 | Statutes, is amended to read:

1108 |       447.507 Violation of strike prohibition; penalties.--



1109           (2) If a public employee, a group of employees, an  
 1110 employee organization, or any officer, agent, or representative  
 1111 of any employee organization engages in a strike in violation of  
 1112 s. 447.505, either the commission or any public employer whose  
 1113 employees are involved or whose employees may be affected by the  
 1114 strike may file suit to enjoin the strike ~~in the circuit court~~  
 1115 ~~having proper jurisdiction and proper venue of such actions~~  
 1116 ~~under the Florida Rules of Civil Procedure and Florida Statutes.~~  
 1117 The circuit court shall conduct a hearing, with notice to the  
 1118 commission and to all interested parties, at the earliest  
 1119 practicable time. If the plaintiff makes a prima facie showing  
 1120 that a violation of s. 447.505 is in progress or that there is a  
 1121 clear, real, and present danger that such a strike is about to  
 1122 commence, the circuit court shall issue a temporary injunction  
 1123 enjoining the strike. Upon final hearing, the circuit court  
 1124 shall either make the injunction permanent or dissolve it.

1125           Section 47. Subsection (9) of section 448.110, Florida  
 1126 Statutes, is amended to read:

1127           448.110 State minimum wage; annual wage adjustment;  
 1128 enforcement.--

1129           (9) Actions brought pursuant to this section may be  
 1130 brought as a class action ~~pursuant to Rule 1.220, Florida Rules~~  
 1131 ~~of Civil Procedure.~~ In any class action brought pursuant to this  
 1132 section, the plaintiffs shall prove, by a preponderance of the  
 1133 evidence, the individual identity of each class member and the  
 1134 individual damages of each class member.

1135           Section 48. Paragraph (a) of subsection (7) of section  
 1136 456.057, Florida Statutes, is amended to read:

1137 456.057 Ownership and control of patient records; report  
 1138 or copies of records to be furnished.--

1139 (7) (a) Except as otherwise provided in this section and in  
 1140 s. 440.13(4)(c), such records may not be furnished to, and the  
 1141 medical condition of a patient may not be discussed with, any  
 1142 person other than the patient or the patient's legal  
 1143 representative or other health care practitioners and providers  
 1144 involved in the care or treatment of the patient, except upon  
 1145 written authorization of the patient. However, such records may  
 1146 be furnished without written authorization under the following  
 1147 circumstances:

1148 1. To any person, firm, or corporation that has procured  
 1149 or furnished such examination or treatment with the patient's  
 1150 consent.

1151 2. When compulsory physical examination is made in a civil  
 1152 action pursuant to court rule. ~~1.360, Florida Rules of Civil~~  
 1153 ~~Procedure, in which case~~ Copies of the medical records shall be  
 1154 furnished to parties entitled to such records under the rule  
 1155 ~~both the defendant and the plaintiff.~~

1156 3. In any civil or criminal action, unless otherwise  
 1157 prohibited by law, upon the issuance of a subpoena from a court  
 1158 of competent jurisdiction and proper notice to the patient or  
 1159 the patient's legal representative by the party seeking such  
 1160 records.

1161 4. For statistical and scientific research, provided the  
 1162 information is abstracted in such a way as to protect the  
 1163 identity of the patient or provided written permission is  
 1164 received from the patient or the patient's legal representative.

1165           5. To a regional poison control center for purposes of  
 1166 treating a poison episode under evaluation, case management of  
 1167 poison cases, or compliance with data collection and reporting  
 1168 requirements of s. 395.1027 and the professional organization  
 1169 that certifies poison control centers in accordance with federal  
 1170 law.

1171           Note.--Former s. 455.241; s. 455.667.

1172  
 1173           Section 49. Paragraph (b) of subsection (3) of section  
 1174 518.112, Florida Statutes, is amended to read:

1175           518.112 Delegation of investment functions.--

1176           (3) A fiduciary may delegate investment functions to an  
 1177 investment agent under subsection (1) or subsection (2), if:

1178           (b) In the case of a trust or estate, the fiduciary has  
 1179 given written notice, of its intention to begin delegating  
 1180 investment functions under this section, to all beneficiaries,  
 1181 or their legal representative, eligible to receive distributions  
 1182 from the trust or estate within 30 days of the delegation unless  
 1183 such notice is waived by the eligible beneficiaries entitled to  
 1184 receive such notice. This notice shall thereafter, until or  
 1185 unless the beneficiaries eligible to receive income from the  
 1186 trust or distributions from the estate at the time are notified  
 1187 to the contrary, authorize the trustee or legal representative  
 1188 to delegate investment functions pursuant to this subsection.  
 1189 This discretion to revoke the delegation does not imply under  
 1190 subsection (2) any continuing obligation to review the agent's  
 1191 actions.

1192 1. Notice to beneficiaries eligible to receive  
 1193 distributions from the trust from the estate, or their legal  
 1194 representatives shall be sufficient notice to all persons who  
 1195 may join the eligible class of beneficiaries in the future.

1196 2. Additionally, as used herein, legal representative  
 1197 includes one described in s. 731.303, without any requirement of  
 1198 a court order, an attorney-in-fact under a durable power of  
 1199 attorney sufficient to grant such authority, a legally appointed  
 1200 guardian, or equivalent under applicable law, any living,  
 1201 natural guardian of a minor child, or a guardian ad litem.

1202 3. Written notice shall be:

1203 a. By any form of mail or by any commercial delivery  
 1204 service, approved for service of process by the chief judge of  
 1205 the judicial circuit in which the trust has its principal place  
 1206 of business at the date of notice, requiring a signed receipt;

1207 b. As provided by law for service of process; or

1208 ~~e. By an elisor as may be provided in the Florida Rules of~~  
 1209 ~~Civil Procedure.~~

1210  
 1211 Notice by mail or by approved commercial delivery service is  
 1212 complete on receipt of notice. Proof of notice must be by  
 1213 verified statement of the person mailing or sending notice, and  
 1214 there must be attached thereto the signed receipt or other  
 1215 satisfactory evidence that delivery was effected on the  
 1216 addressee or on the addressee's agent. Proof of notice must be  
 1217 maintained among the trustee's permanent records.

1218 Section 50. Subsection (4) of section 552.40, Florida  
 1219 Statutes, is amended to read:

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1220           552.40 Administrative remedy for alleged damage due to the  
 1221 use of explosives in connection with construction materials  
 1222 mining activities.--

1223           (4) The administrative judge shall issue an order  
 1224 directing mediation ~~under Rule 1700 et seq., Florida Rules of~~  
 1225 ~~Civil Procedure~~. The parties shall jointly select a mediator and  
 1226 the location of mediation. If the parties fail to do so within  
 1227 30 days after the order for mediation is issued, the  
 1228 administrative law judge shall designate the mediator and the  
 1229 location of mediation. Petitioner and respondent shall each pay  
 1230 one-half of the cost of mediation. If the petitioner's annual  
 1231 income is less than 150 percent of the applicable federal  
 1232 poverty guideline published in the Federal Register by the  
 1233 United States Department of Health and Human Services, the  
 1234 respondent shall bear the full cost of mediation. The mediation  
 1235 must be concluded within 60 days after the date of designation  
 1236 of the mediator unless the parties agree upon a different date.

1237           Section 51. Paragraph (b) of subsection (1) and subsection  
 1238 (5) of section 607.0505, Florida Statutes, are amended to read:

1239           607.0505 Registered agent; duties.--

1240           (1)

1241           (b) Each such corporation, foreign corporation, or alien  
 1242 business organization which fails to have and continuously  
 1243 maintain a registered office and a registered agent as required  
 1244 in this section will be liable to this state for \$500 for each  
 1245 year, or part of a year, during which the corporation, foreign  
 1246 corporation, or alien business organization fails to comply with  
 1247 these requirements; but such liability will be forgiven in full

1248 upon the compliance by the corporation, foreign corporation, or  
 1249 alien business organization with the requirements of this  
 1250 subsection, even if such compliance occurs after an action to  
 1251 collect such liability is instituted. The Department of Legal  
 1252 Affairs may file an action in the circuit court for the judicial  
 1253 circuit in which the corporation, foreign corporation, or alien  
 1254 business organization is found or transacts business, or in  
 1255 which real property belonging to the corporation, foreign  
 1256 corporation, or alien business organization is located, to  
 1257 petition the court for an order directing that a registered  
 1258 agent be appointed and that a registered office be designated,  
 1259 and to obtain judgment for the amount owed under this  
 1260 subsection. In connection with such proceeding, the department  
 1261 may, without prior approval by the court, file a lis pendens  
 1262 against real property owned by the corporation, foreign  
 1263 corporation, or alien business organization, which lis pendens  
 1264 shall set forth the legal description of the real property and  
 1265 shall be filed in the public records of the county where the  
 1266 real property is located. If the lis pendens is filed in any  
 1267 county other than the county in which the action is pending, the  
 1268 lis pendens which is filed must be a certified copy of the  
 1269 original lis pendens. The failure to comply timely or fully with  
 1270 an order directing that a registered agent be appointed and that  
 1271 a registered office be designated will result in a civil penalty  
 1272 of not more than \$1,000 for each day of noncompliance. A  
 1273 judgment or an order of payment entered pursuant to this  
 1274 subsection will become a judgment lien against any real property  
 1275 owned by the corporation, foreign corporation, or alien business

1276 organization when a certified copy of the judgment or order is  
 1277 recorded as required by s. 55.10. ~~The department will be able to~~  
 1278 ~~avail itself of, and is entitled to use, any provision of law or~~  
 1279 ~~of the Florida Rules of Civil Procedure to further the~~  
 1280 ~~collecting or obtaining of payment pursuant to a judgment or~~  
 1281 ~~order of payment.~~ The state, through the Attorney General, may  
 1282 bid, at any judicial sale to enforce its judgment lien, any  
 1283 amount up to the amount of the judgment or lien obtained  
 1284 pursuant to this subsection. All moneys recovered under this  
 1285 subsection shall be treated as forfeitures under ss. 895.01-  
 1286 895.09 and used or distributed in accordance with the procedure  
 1287 set forth in s. 895.09. A corporation, foreign corporation, or  
 1288 alien business organization which fails to have and continuously  
 1289 maintain a registered office and a registered agent as required  
 1290 in this section may not defend itself against any action  
 1291 instituted by the Department of Legal Affairs or by any other  
 1292 agency of this state until the requirements of this subsection  
 1293 have been met.

1294 (5) If a corporation, foreign corporation, or alien  
 1295 business organization fails without lawful excuse to comply  
 1296 timely or fully with a subpoena issued pursuant to subsection  
 1297 (2), the Department of Legal Affairs may file an action in the  
 1298 circuit court for the judicial circuit in which the corporation,  
 1299 foreign corporation, or alien business organization is found or  
 1300 transacts business or in which real property belonging to the  
 1301 corporation, foreign corporation, or alien business organization  
 1302 is located, for an order compelling compliance with the  
 1303 subpoena. The failure without a lawful excuse to comply timely

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1304 or fully with an order compelling compliance with the subpoena  
 1305 will result in a civil penalty of not more than \$1,000 for each  
 1306 day of noncompliance with the order. In connection with such  
 1307 proceeding, the department may, without prior approval by the  
 1308 court, file a lis pendens against real property owned by the  
 1309 corporation, foreign corporation, or alien business  
 1310 organization, which lis pendens shall set forth the legal  
 1311 description of the real property and shall be filed in the  
 1312 public records of the county where the real property is located.  
 1313 If the lis pendens is filed in any county other than the county  
 1314 in which the action is pending, the lis pendens which is filed  
 1315 must be a certified copy of the original lis pendens. A judgment  
 1316 or an order of payment entered pursuant to this subsection will  
 1317 become a judgment lien against any real property owned by the  
 1318 corporation, foreign corporation, or alien business organization  
 1319 when a certified copy of the judgment or order is recorded as  
 1320 required by s. 55.10. ~~The department will be able to avail~~  
 1321 ~~itself of, and is entitled to use, any provision of law or of~~  
 1322 ~~the Florida Rules of Civil Procedure to further the collecting~~  
 1323 ~~or obtaining of payment pursuant to a judgment or order of~~  
 1324 ~~payment.~~ The state, through the Attorney General, may bid, at  
 1325 any judicial sale to enforce its judgment lien, an amount up to  
 1326 the amount of the judgment or lien obtained pursuant to this  
 1327 subsection. All moneys recovered under this subsection shall be  
 1328 treated as forfeitures under ss. 895.01-895.09 and used or  
 1329 distributed in accordance with the procedure set forth in s.  
 1330 895.09.



1331 Section 52. Paragraph (b) of subsection (1) and subsection  
 1332 (5) of section 617.0503, Florida Statutes, are amended to read:  
 1333 617.0503 Registered agent; duties; confidentiality of  
 1334 investigation records.--  
 1335 (1)  
 1336 (b) Each such corporation, foreign corporation, or alien  
 1337 business organization that fails to have and continuously  
 1338 maintain a registered office and a registered agent as required  
 1339 in this section is liable to this state for \$500 for each year,  
 1340 or part of a year, during which the corporation, foreign  
 1341 corporation, or alien business organization fails to comply with  
 1342 these requirements; but this liability is forgiven in full upon  
 1343 the compliance by the corporation, foreign corporation, or alien  
 1344 business organization with the requirements of this subsection,  
 1345 even if that compliance occurs after an action to collect such  
 1346 amount is instituted. The Department of Legal Affairs may file  
 1347 an action in the circuit court for the judicial circuit in which  
 1348 the corporation, foreign corporation, or alien business  
 1349 organization is found or transacts business, or in which real  
 1350 property belonging to the corporation, foreign corporation, or  
 1351 alien business organization is located, to petition the court  
 1352 for an order directing that a registered agent be appointed and  
 1353 that a registered office be designated, and to obtain judgment  
 1354 for the amount owed under this subsection. In connection with  
 1355 such proceeding, the department may, without prior approval by  
 1356 the court, file a lis pendens against real property owned by the  
 1357 corporation, foreign corporation, or alien business  
 1358 organization, which lis pendens shall set forth the legal

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1359 description of the real property and shall be filed in the  
 1360 public records of the county where the real property is located.  
 1361 If the lis pendens is filed in any county other than the county  
 1362 in which the action is pending, the lis pendens that is filed  
 1363 must be a certified copy of the original lis pendens. The  
 1364 failure to comply timely or fully with an order directing that a  
 1365 registered agent be appointed and that a registered office be  
 1366 designated will result in a civil penalty of not more than  
 1367 \$1,000 for each day of noncompliance. A judgment or an order of  
 1368 payment entered under this subsection becomes a judgment lien  
 1369 against any real property owned by the corporation, foreign  
 1370 corporation, or alien business organization when a certified  
 1371 copy of the judgment or order is recorded as required by s.  
 1372 55.10. ~~The department may avail itself of, and is entitled to~~  
 1373 ~~use, any provision of law or of the Florida Rules of Civil~~  
 1374 ~~Procedure to further the collecting or obtaining of payment~~  
 1375 ~~pursuant to a judgment or order of payment.~~ The state, through  
 1376 the Attorney General, may bid, at any judicial sale to enforce  
 1377 its judgment lien, any amount up to the amount of the judgment  
 1378 or lien obtained pursuant to this subsection. All moneys  
 1379 recovered under this subsection shall be treated as forfeitures  
 1380 under ss. 895.01-895.09 and used or distributed in accordance  
 1381 with the procedure set forth in s. 895.09. A corporation,  
 1382 foreign corporation, or alien business organization that fails  
 1383 to have and continuously maintain a registered office and a  
 1384 registered agent as required in this section may not defend  
 1385 itself against any action instituted by the Department of Legal

1386 Affairs or by any other agency of this state until the  
 1387 requirements of this subsection have been met.

1388 (5) If a corporation, foreign corporation, or alien  
 1389 business organization fails without lawful excuse to comply  
 1390 timely or fully with a subpoena issued pursuant to subsection  
 1391 (2), the Department of Legal Affairs may file an action in the  
 1392 circuit court for the judicial circuit in which the corporation,  
 1393 foreign corporation, or alien business organization is found or  
 1394 transacts business or in which real property belonging to the  
 1395 corporation, foreign corporation, or alien business organization  
 1396 is located, for an order compelling compliance with the  
 1397 subpoena. The failure without a lawful excuse to comply timely  
 1398 or fully with an order compelling compliance with the subpoena  
 1399 will result in a civil penalty of not more than \$1,000 for each  
 1400 day of noncompliance with the order. In connection with such  
 1401 proceeding, the department may, without prior approval by the  
 1402 court, file a lis pendens against real property owned by the  
 1403 corporation, foreign corporation, or alien business  
 1404 organization, which lis pendens shall set forth the legal  
 1405 description of the real property and shall be filed in the  
 1406 public records of the county where the real property is located.  
 1407 If the lis pendens is filed in any county other than the county  
 1408 in which the action is pending, the lis pendens that is filed  
 1409 must be a certified copy of the original lis pendens. A judgment  
 1410 or an order of payment entered pursuant to this subsection will  
 1411 become a judgment lien against any real property owned by the  
 1412 corporation, foreign corporation, or alien business organization  
 1413 when a certified copy of the judgment or order is recorded as

1414 required by s. 55.10. ~~The department may avail itself of, and is~~  
 1415 ~~entitled to use, any provision of law or of the Florida Rules of~~  
 1416 ~~Civil Procedure to further the collecting or obtaining of~~  
 1417 ~~payment pursuant to a judgment or order of payment.~~ The state,  
 1418 through the Attorney General, may bid at any judicial sale to  
 1419 enforce its judgment lien, an amount up to the amount of the  
 1420 judgment or lien obtained pursuant to this subsection. All  
 1421 moneys recovered under this subsection shall be treated as  
 1422 forfeitures under ss. 895.01-895.09 and used or distributed in  
 1423 accordance with the procedure set forth in s. 895.09.

1424 Section 53. Subsection (1) of section 655.059, Florida  
 1425 Statutes, is amended to read:

1426 655.059 Access to books and records; confidentiality;  
 1427 penalty for disclosure.--

1428 (1) The books and records of a financial institution are  
 1429 confidential and shall be made available for inspection and  
 1430 examination only:

1431 (a) To the office or its duly authorized representative;

1432 (b) To any person duly authorized to act for the financial  
 1433 institution;

1434 (c) To any federal or state instrumentality or agency  
 1435 authorized to inspect or examine the books and records of an  
 1436 insured financial institution;

1437 (d) With respect to an international banking corporation,  
 1438 to the home-country supervisor of the corporation, provided:

1439 1. The supervisor provides advance notice to the office  
 1440 that the supervisor intends to examine the Florida office of the  
 1441 corporation.

1442           2. The supervisor confirms to the office that the purpose  
1443 of the examination is to ensure the safety and soundness of the  
1444 corporation.

1445           3. The books and records pertaining to customer deposit,  
1446 investment, and custodial accounts are not disclosed to the  
1447 supervisor.

1448           4. At any time during the conduct of the examination, the  
1449 office reserves the right to have an examiner present or to  
1450 participate jointly in the examination.

1451  
1452 For purposes of this paragraph, "home-country supervisor" means  
1453 the governmental entity in the corporation's home country with  
1454 responsibility for the supervision and regulation of the  
1455 corporation;

1456           (e) As compelled by a court of competent jurisdiction,  
1457 pursuant to a subpoena issued ~~pursuant to the Florida Rules of~~  
1458 ~~Civil Procedure, the Florida Rules of Criminal Procedure, or the~~  
1459 ~~Federal Rules of Civil Procedure, or pursuant to a subpoena~~  
1460 ~~issued~~ in accordance with state or federal law. Prior to the  
1461 production of the books and records of a financial institution,  
1462 the party seeking production must reimburse the financial  
1463 institution for the reasonable costs and fees incurred in  
1464 compliance with the production. If the parties disagree  
1465 regarding the amount of reimbursement, the party seeking the  
1466 records may request the court or agency having jurisdiction to  
1467 set the amount of reimbursement;

1468           (f) As compelled by legislative subpoena as provided by  
1469 law, in which case the provisions of s. 655.057 apply;

1470 (g) Pursuant to a subpoena, to any federal or state law  
 1471 enforcement or prosecutorial instrumentality authorized to  
 1472 investigate suspected criminal activity;

1473 (h) As authorized by the board of directors of the  
 1474 financial institution; or

1475 (i) As provided in subsection (2).

1476 Section 54. Paragraph (b) of subsection (4) of section  
 1477 713.346, Florida Statutes, is amended to read:

1478 713.346 Payment on construction contracts.--

1479 (4) After service of the complaint, the court shall  
 1480 conduct an evidentiary hearing on the complaint, upon not less  
 1481 than 15 days' written notice. The person providing labor,  
 1482 services, or materials is entitled to the following remedies to  
 1483 the extent of the undisputed amount due for labor or services  
 1484 performed or materials supplied, and upon proof of each  
 1485 allegation in the complaint:

1486 (b) A temporary injunction against the person who received  
 1487 the payment, ~~subject to the bond requirements specified in the~~  
 1488 ~~Florida Rules of Civil Procedure.~~

1489 Section 55. Paragraph (h) of subsection (4) of section  
 1490 718.1255, Florida Statutes, is amended to read:

1491 718.1255 Alternative dispute resolution; voluntary  
 1492 mediation; mandatory nonbinding arbitration; legislative  
 1493 findings.--

1494 (4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF  
 1495 DISPUTES.--The Division of Florida Land Sales, Condominiums, and  
 1496 Mobile Homes of the Department of Business and Professional  
 1497 Regulation shall employ full-time attorneys to act as

1498 arbitrators to conduct the arbitration hearings provided by this  
 1499 chapter. The division may also certify attorneys who are not  
 1500 employed by the division to act as arbitrators to conduct the  
 1501 arbitration hearings provided by this section. No person may be  
 1502 employed by the department as a full-time arbitrator unless he  
 1503 or she is a member in good standing of The Florida Bar. The  
 1504 department shall promulgate rules of procedure to govern such  
 1505 arbitration hearings including mediation incident thereto. The  
 1506 decision of an arbitrator shall be final; however, such a  
 1507 decision shall not be deemed final agency action. Nothing in  
 1508 this provision shall be construed to foreclose parties from  
 1509 proceeding in a trial de novo unless the parties have agreed  
 1510 that the arbitration is binding. If such judicial proceedings  
 1511 are initiated, the final decision of the arbitrator shall be  
 1512 admissible in evidence in the trial de novo.

1513 (h) Mediation proceedings must generally be conducted in  
 1514 accordance with chapter 44 ~~the Florida Rules of Civil Procedure,~~  
 1515 ~~and these proceedings are privileged and confidential to the~~  
 1516 ~~same extent as court ordered mediation.~~ Persons who are not  
 1517 parties to the dispute are not allowed to attend the mediation  
 1518 conference without the consent of all parties, with the  
 1519 exception of counsel for the parties and corporate  
 1520 representatives designated to appear for a party. If the  
 1521 mediator declares an impasse after a mediation conference has  
 1522 been held, the arbitration proceeding terminates, unless all  
 1523 parties agree in writing to continue the arbitration proceeding,  
 1524 in which case the arbitrator's decision shall be either binding  
 1525 or nonbinding, as agreed upon by the parties; in the arbitration

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1526 proceeding, the arbitrator shall not consider any evidence  
 1527 relating to the unsuccessful mediation except in a proceeding to  
 1528 impose sanctions for failure to appear at the mediation  
 1529 conference. If the parties do not agree to continue arbitration,  
 1530 the arbitrator shall enter an order of dismissal, and either  
 1531 party may institute a suit in a court of competent jurisdiction.  
 1532 The parties may seek to recover any costs and attorneys' fees  
 1533 incurred in connection with arbitration and mediation  
 1534 proceedings under this section as part of the costs and fees  
 1535 that may be recovered by the prevailing party in any subsequent  
 1536 litigation.

1537 Section 56. Paragraph (a) of subsection (2) of section  
 1538 720.311, Florida Statutes, is amended to read:

1539 720.311 Dispute resolution.--

1540 (2)(a) Disputes between an association and a parcel owner  
 1541 regarding use of or changes to the parcel or the common areas  
 1542 and other covenant enforcement disputes, disputes regarding  
 1543 amendments to the association documents, disputes regarding  
 1544 meetings of the board and committees appointed by the board,  
 1545 membership meetings not including election meetings, and access  
 1546 to the official records of the association shall be the subject  
 1547 of a demand for presuit mediation served by an aggrieved party  
 1548 before the dispute is filed in court. Presuit mediation  
 1549 proceedings must be conducted in accordance with chapter 44 ~~the~~  
 1550 ~~applicable Florida Rules of Civil Procedure, and these~~  
 1551 ~~proceedings are privileged and confidential to the same extent~~  
 1552 ~~as court ordered mediation.~~ Disputes subject to presuit  
 1553 mediation under this section shall not include the collection of



1554 any assessment, fine, or other financial obligation, including  
 1555 attorney's fees and costs, claimed to be due or any action to  
 1556 enforce a prior mediation settlement agreement between the  
 1557 parties. Also, in any dispute subject to presuit mediation under  
 1558 this section where emergency relief is required, a motion for  
 1559 temporary injunctive relief may be filed with the court without  
 1560 first complying with the presuit mediation requirements of this  
 1561 section. After any issues regarding emergency or temporary  
 1562 relief are resolved, the court may either refer the parties to a  
 1563 mediation program administered by the courts or require  
 1564 mediation under this section. An arbitrator or judge may not  
 1565 consider any information or evidence arising from the presuit  
 1566 mediation proceeding except in a proceeding to impose sanctions  
 1567 for failure to attend a presuit mediation session or to enforce  
 1568 a mediated settlement agreement. Persons who are not parties to  
 1569 the dispute may not attend the presuit mediation conference  
 1570 without the consent of all parties, except for counsel for the  
 1571 parties and a corporate representative designated by the  
 1572 association. When mediation is attended by a quorum of the  
 1573 board, such mediation is not a board meeting for purposes of  
 1574 notice and participation set forth in s. 720.303. An aggrieved  
 1575 party shall serve on the responding party a written demand to  
 1576 participate in presuit mediation in substantially the following  
 1577 form:

1578  
 1579

1580 STATUTORY OFFER TO PARTICIPATE

1581

1582  
1583  
1584  
1585  
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1587  
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IN PRESUIT MEDIATION

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

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

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

1609 The process of mediation involves a supervised negotiation  
 1610 process in which a trained, neutral third-party mediator meets  
 1611 with both parties and assists them in exploring possible  
 1612 opportunities for resolving part or all of the dispute. By  
 1613 agreeing to participate in presuit mediation, you are not bound  
 1614 in any way to change your position. Furthermore, the mediator  
 1615 has no authority to make any decisions in this matter or to  
 1616 determine who is right or wrong and merely acts as a facilitator  
 1617 to ensure that each party understands the position of the other  
 1618 party and that all options for reasonable settlement are fully  
 1619 explored.

1620  
 1621  
 1622 If an agreement is reached, it shall be reduced to writing and  
 1623 becomes a binding and enforceable commitment of the parties. A  
 1624 resolution of one or more disputes in this fashion avoids the  
 1625 need to litigate these issues in court. The failure to reach an  
 1626 agreement, or the failure of a party to participate in the  
 1627 process, results in the mediator declaring an impasse in the  
 1628 mediation, after which the aggrieved party may proceed to court  
 1629 on all outstanding, unsettled disputes. If you have failed or  
 1630 refused to participate in the entire mediation process, you will  
 1631 not be entitled to recover attorney's fees, even if you prevail.

1632  
 1633  
 1634 The aggrieved party has selected and hereby lists five certified  
 1635 mediators who we believe to be neutral and qualified to mediate  
 1636 the dispute. You have the right to select any one of these

1637 mediators. The fact that one party may be familiar with one or  
 1638 more of the listed mediators does not mean that the mediator  
 1639 cannot act as a neutral and impartial facilitator. Any mediator  
 1640 who cannot act in this capacity is required ethically to decline  
 1641 to accept engagement. The mediators that we suggest, and their  
 1642 current hourly rates, are as follows:

1643  
 1644  
 1645 (List the names, addresses, telephone numbers, and hourly rates  
 1646 of the mediators. Other pertinent information about the  
 1647 background of the mediators may be included as an attachment.)  
 1648  
 1649

1650 You may contact the offices of these mediators to confirm that  
 1651 the listed mediators will be neutral and will not show any  
 1652 favoritism toward either party. The Florida Supreme Court can  
 1653 provide you a list of certified mediators.  
 1654  
 1655

1656 Unless otherwise agreed by the parties, section 720.311(2)(b),  
 1657 Florida Statutes, requires that the parties share the costs of  
 1658 presuit mediation equally, including the fee charged by the  
 1659 mediator. An average mediation may require three to four hours  
 1660 of the mediator's time, including some preparation time, and the  
 1661 parties would need to share equally the mediator's fees as well  
 1662 as their own attorney's fees if they choose to employ an  
 1663 attorney in connection with the mediation. However, use of an  
 1664 attorney is not required and is at the option of each party. The

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1665 mediators may require the advance payment of some or all of the  
 1666 anticipated fees. The aggrieved party hereby agrees to pay or  
 1667 prepay one-half of the mediator's estimated fees and to forward  
 1668 this amount or such other reasonable advance deposits as the  
 1669 mediator requires for this purpose. Any funds deposited will be  
 1670 returned to you if these are in excess of your share of the fees  
 1671 incurred.

1672  
 1673  
 1674 To begin your participation in presuit mediation to try to  
 1675 resolve the dispute and avoid further legal action, please sign  
 1676 below and clearly indicate which mediator is acceptable to you.  
 1677 We will then ask the mediator to schedule a mutually convenient  
 1678 time and place for the mediation conference to be held. The  
 1679 mediation conference must be held within ninety (90) days of  
 1680 this date, unless extended by mutual written agreement. In the  
 1681 event that you fail to respond within 20 days from the date of  
 1682 this letter, or if you fail to agree to at least one of the  
 1683 mediators that we have suggested or to pay or prepay to the  
 1684 mediator one-half of the costs involved, the aggrieved party  
 1685 will be authorized to proceed with the filing of a lawsuit  
 1686 against you without further notice and may seek an award of  
 1687 attorney's fees or costs incurred in attempting to obtain  
 1688 mediation.

1689  
 1690  
 1691 Therefore, please give this matter your immediate attention. By  
 1692 law, your response must be mailed by certified mail, return

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1693 receipt requested, and by first-class mail to the address shown  
 1694 on this demand.

1695

1696

1697

\_\_\_\_\_

1698

1699

\_\_\_\_\_

1700

1701

1702 RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR AGREEMENT TO  
 1703 THAT CHOICE.

1704

1705 AGREEMENT TO MEDIATE

1706

1707

1708 The undersigned hereby agrees to participate in presuit  
 1709 mediation and agrees to attend a mediation conducted by the  
 1710 following mediator or mediators who are listed above as someone  
 1711 who would be acceptable to mediate this dispute:

1712

1713

1714 (List acceptable mediator or mediators.)

1715

1716

1717 I/we further agree to pay or prepay one-half of the mediator's  
 1718 fees and to forward such advance deposits as the mediator may  
 1719 require for this purpose.

1720

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1748

\_\_\_\_\_

Signature of responding party #1

\_\_\_\_\_

Telephone contact information

\_\_\_\_\_

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

Note.--Former s. 617.311.

Section 57. Subsection (2) of section 723.0381, Florida Statutes, is amended to read:

723.0381 Civil actions; arbitration.--

(2) The court may refer the action to nonbinding arbitration pursuant to s. 44.103 ~~and the Florida Rules of Civil Procedure~~. The court shall order the hearing to be held informally with presentation of testimony kept to a minimum and matters presented to the arbitrators primarily through the statements and arguments of counsel. The court shall assess the parties equally to pay the compensation awarded to the

1749 arbitrators if neither party requests a trial de novo. If a  
 1750 party has filed for a trial de novo, the party shall be assessed  
 1751 the arbitration costs, court costs, and other reasonable costs  
 1752 of the opposing party, including attorney's fees, investigation  
 1753 expenses, and expenses for expert or other testimony or evidence  
 1754 incurred after the arbitration hearing if the judgment upon the  
 1755 trial de novo is not more favorable than the arbitration  
 1756 decision. If subsequent to arbitration a party files for a trial  
 1757 de novo, the arbitration decision may be made known to the judge  
 1758 only after he or she has entered his or her order on the merits.

1759 Section 58. Subsection (1) of section 726.108, Florida  
 1760 Statutes, is amended to read:

1761 726.108 Remedies of creditors.--

1762 (1) In an action for relief against a transfer or  
 1763 obligation under ss. 726.101-726.112, a creditor, subject to the  
 1764 limitations in s. 726.109 may obtain:

1765 (a) Avoidance of the transfer or obligation to the extent  
 1766 necessary to satisfy the creditor's claim;

1767 (b) An attachment or other provisional remedy against the  
 1768 asset transferred or other property of the transferee in  
 1769 accordance with applicable law;

1770 ~~(c) Subject to applicable principles of equity and in~~  
 1771 ~~accordance with applicable rules of civil procedure.~~

1772 (c)1. An injunction against further disposition by the  
 1773 debtor or a transferee, or both, of the asset transferred or of  
 1774 other property;

1775 (d)2. Appointment of a receiver to take charge of the  
 1776 asset transferred or of other property of the transferee; or



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1777           (e)~~3~~. Any other relief the circumstances may require.  
 1778           Section 59. Paragraph (b) of subsection (2) of section  
 1779   727.104, Florida Statutes, is amended to read:  
 1780           727.104 Commencement of proceedings.--  
 1781           (2) Within 10 days after delivery of the assignment to the  
 1782   assignee, the assignee shall:  
 1783           (b) File, in the office of the clerk of the court in the  
 1784   county of the assignor's place of business if it has one, in the  
 1785   county of its chief executive office if it has more than one  
 1786   place of business, or in the county of the assignor's residence  
 1787   if the assignor is an individual not engaged in business, ~~in~~  
 1788   ~~accordance with the procedures for filing a complaint as set~~  
 1789   ~~forth in the Florida Rules of Civil Procedure,~~ a petition  
 1790   setting forth the name and address of the assignor and the name  
 1791   and address of the assignee; a copy of the assignment, together  
 1792   with Schedules A and B; and a request that the court fix the  
 1793   amount of the assignee's bond to be filed with the clerk of the  
 1794   court. This bond shall be subject to reconsideration upon the  
 1795   motion of any party in interest after notice and hearing. The  
 1796   bond shall be payable to the clerk of the court, in an amount  
 1797   not less than double the liquidation value of the assets of the  
 1798   estate as set forth in Schedule B, conditioned upon the  
 1799   assignee's faithful discharge of her or his duties. Within 30  
 1800   days after the court enters an order setting the amount of such  
 1801   bond, the assignee shall file the bond with the clerk of the  
 1802   court, who shall approve the bond.  
 1803           Section 60. Section 731.011, Florida Statutes, is amended  
 1804   to read:

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1805           731.011 Determination of substantive rights; ~~procedures~~--  
 1806 The code became effective on January 1, 1976. The substantive  
 1807 rights of all persons that vested prior to January 1, 1976,  
 1808 shall be determined as provided in former chapters 731-737 and  
 1809 744-746. ~~The procedures for the enforcement of vested~~  
 1810 ~~substantive rights shall be as provided in the Florida Probate~~  
 1811 ~~Rules.~~

1812           Section 61. Subsection (2) of section 732.107, Florida  
 1813 Statutes, is amended to read:

1814           732.107 Escheat.--

1815           (2) Property that escheats shall be sold ~~as provided in~~  
 1816 ~~the Florida Probate Rules~~ and the proceeds paid to the Chief  
 1817 Financial Officer of the state and deposited in the State School  
 1818 Fund.

1819           Note.--Created from former s. 731.33.

1821           Section 62. Subsection (3) of section 733.101, Florida  
 1822 Statutes, is amended to read:

1823           733.101 Venue of probate proceedings.--

1824           (3) Whenever a proceeding is filed laying venue in an  
 1825 improper county, the court may transfer the action ~~in the same~~  
 1826 ~~manner as provided in the Florida Rules of Civil Procedure~~. Any  
 1827 action taken by the court or the parties before the transfer is  
 1828 not affected by the improper venue.

1829           Note.--Created from former s. 732.06.

1831           Section 63. Subsection (3) of section 733.212, Florida  
 1832 Statutes, is amended to read:

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1833           733.212 Notice of administration; filing of objections.--  
 1834           (3) Any interested person on whom a copy of the notice of  
 1835 administration is served must object to the validity of the  
 1836 will, the qualifications of the personal representative, the  
 1837 venue, or the jurisdiction of the court by filing a petition or  
 1838 other pleading requesting relief ~~in accordance with the Florida~~  
 1839 ~~Probate Rules~~ on or before the date that is 3 months after the  
 1840 date of service of a copy of the notice of administration on the  
 1841 objecting person, or those objections are forever barred.

1842           Note.--Created from former s. 732.28.

1843  
 1844           Section 64. Subsection (2) of section 733.6171, Florida  
 1845 Statutes, is amended to read:

1846           733.6171 Compensation of attorney for the personal  
 1847 representative.--

1848           (2) The attorney, the personal representative, and persons  
 1849 bearing the impact of the compensation may agree to compensation  
 1850 determined in a different manner than provided in this section.  
 1851 Compensation may also be determined in a different manner than  
 1852 provided in this section if the manner is disclosed to the  
 1853 parties bearing the impact of the compensation and if no  
 1854 objection is made ~~as provided for in the Florida Probate Rules.~~

1855           Section 65. Subsection (2) of section 733.705, Florida  
 1856 Statutes, is amended to read:

1857           733.705 Payment of and objection to claims.--

1858           (2) On or before the expiration of 4 months from the first  
 1859 publication of notice to creditors or within 30 days from the  
 1860 timely filing or amendment of a claim, whichever occurs later, a

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1861 personal representative or other interested person may file a  
 1862 written objection to a claim. If an objection is filed, the  
 1863 person filing it shall serve a copy of the objection ~~as provided~~  
 1864 ~~by the Florida Probate Rules~~. The failure to serve a copy of the  
 1865 objection constitutes an abandonment of the objection. For good  
 1866 cause, the court may extend the time for filing or serving an  
 1867 objection to any claim. Objection to a claim constitutes an  
 1868 objection to an amendment of that claim unless the objection is  
 1869 withdrawn.

1870 Note.--Created from former s. 733.18.

1871  
 1872 Section 66. Subsection (2) of section 734.102, Florida  
 1873 Statutes, is amended to read:

1874 734.102 Ancillary administration.--

1875 ~~(2) Ancillary administration shall be commenced as~~  
 1876 ~~provided by the Florida Probate Rules.~~

1877 Note.--Created from former s. 734.31.

1878  
 1879 Section 67. Subsection (4) of section 736.0109, Florida  
 1880 Statutes, is amended to read:

1881 736.0109 Methods and waiver of notice.--

1882 (4) Notice of a judicial proceeding must be given as  
 1883 provided in statute and the applicable court rules ~~Florida Rules~~  
 1884 ~~of Civil Procedure~~.

1885 Section 68. Subsection (1), paragraph (c) of subsection  
 1886 (9) and of section 738.104, Florida Statutes, are amended to  
 1887 read:

1888 738.104 Trustee's power to adjust.--

1889 (1) A trustee may adjust between principal and income to  
 1890 the extent the trustee considers necessary if the trustee  
 1891 invests and manages trust assets as a prudent investor, the  
 1892 terms of the trust describe the amount that may or shall be  
 1893 distributed to a beneficiary by referring to the trust's income,  
 1894 and the trustee determines, after applying the provisions of  
 1895 ~~rules in~~ s. 738.103(1), that the trustee is unable to comply  
 1896 with s. 738.103(2).

1897 (9)  
 1898 (c) The statement referred to in this subsection shall be  
 1899 served informally by delivering a copy or mailing it to the  
 1900 beneficiary, ~~in the manner provided in the Florida Rules of~~  
 1901 ~~Civil Procedure relating to service of pleadings subsequent to~~  
 1902 ~~the initial pleading~~. The statement may be served on a legal  
 1903 representative or natural guardian of a beneficiary without the  
 1904 filing of any proceeding or approval of any court.

1905 Section 69. Paragraph (c) of subsection (2) of section  
 1906 738.1041, Florida Statutes, is amended to read:

1907 738.1041 Total return unitrust.--

1908 (2) A trustee may, without court approval, convert an  
 1909 income trust to a total return unitrust, reconvert a total  
 1910 return unitrust to an income trust, or change the percentage  
 1911 used to calculate the unitrust amount or the method used to  
 1912 determine the fair market value of the trust if:

1913 (c) The trustee sends written notice of its intention to  
 1914 take such action, along with copies of such written statement  
 1915 and this section, and, if applicable, the determinations of  
 1916 either the trustee or the disinterested person to:

- 1917 1. The grantor of the trust, if living.
- 1918 2. All living persons who are currently receiving or
- 1919 eligible to receive distributions of income of the trust.
- 1920 3. All living persons who would receive distributions of
- 1921 principal of the trust if the trust were to terminate at the
- 1922 time of the giving of such notice (without regard to the
- 1923 exercise of any power of appointment) or, if the trust does not
- 1924 provide for its termination, all living persons who would
- 1925 receive or be eligible to receive distributions of income or
- 1926 principal of the trust if the persons identified in subparagraph
- 1927 2. were deceased.
- 1928 4. All persons acting as advisers or protectors of the
- 1929 trust.

1930

1931 Notice under this paragraph shall be served informally by

1932 delivering a copy or mailing it to the beneficiary, in the

1933 ~~manner provided in the Florida Rules of Civil Procedure relating~~

1934 ~~to service of pleadings subsequent to the initial pleading.~~

1935 Notice may be served on a legal representative or natural

1936 guardian of a person without the filing of any proceeding or

1937 approval of any court;

1938 Section 70. Paragraph (b) of subsection (5), paragraph (h)

1939 of subsection (6), paragraph (b) of subsection (9), of section

1940 741.30, Florida Statutes, are amended to read:

1941 741.30 Domestic violence; injunction; powers and duties of

1942 court and clerk; petition; notice and hearing; temporary

1943 injunction; issuance of injunction; statewide verification

1944 system; enforcement.--

1945 (5)  
 1946 (b) In a hearing ex parte for the purpose of obtaining  
 1947 such ex parte temporary injunction, no evidence other than  
 1948 verified pleadings or affidavits shall be used as evidence,  
 1949 unless the respondent appears at the hearing or has received  
 1950 reasonable notice of the hearing. A denial of a petition for an  
 1951 ex parte injunction shall be by written order noting the legal  
 1952 grounds for denial. When the only ground for denial is no  
 1953 appearance of an immediate and present danger of domestic  
 1954 violence, the court shall set a full hearing on the petition for  
 1955 injunction with notice at the earliest possible time. Nothing  
 1956 herein affects a petitioner's right to promptly amend any  
 1957 petition, or otherwise be heard in person on any petition  
 1958 consistent with court rule ~~the Florida Rules of Civil Procedure~~.

1959 (6)  
 1960 (h) All proceedings under this subsection shall be  
 1961 recorded. Recording may be by electronic means ~~as provided by~~  
 1962 ~~the Rules of Judicial Administration~~.

1963 (9)  
 1964 (b) If the respondent is arrested by a law enforcement  
 1965 officer under s. 901.15(6) or for a violation of s. 741.31, the  
 1966 respondent shall be held in custody until brought before the  
 1967 court as expeditiously as possible for the purpose of enforcing  
 1968 the injunction and for admittance to bail in accordance with  
 1969 chapter 903 ~~and the applicable rules of criminal procedure,~~  
 1970 pending a hearing.

1971 Section 71. Subsection (2) of section 742.16, Florida  
 1972 Statutes, is amended to read:

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1973 742.16 Expedited affirmation of parental status for  
 1974 gestational surrogacy.--

1975 (2) After the petition is filed, the court shall fix a  
 1976 time and place for hearing the petition, which may be  
 1977 immediately after the filing of the petition. Notice of hearing  
 1978 shall be given as prescribed by court rules ~~the rules of civil~~  
 1979 ~~procedure~~, and service of process shall be made as specified by  
 1980 law for civil actions.

1981 Section 72. Subsection (11) of section 742.18, Florida  
 1982 Statutes, is amended to read:

1983 742.18 Disestablishment of paternity or termination of  
 1984 child support obligation.--

1985 (11) Nothing in this section precludes an individual from  
 1986 seeking relief from a final judgment, decree, order, or  
 1987 proceeding pursuant to court rule ~~1.540, Florida Rules of Civil~~  
 1988 ~~Procedure~~, or from challenging a paternity determination  
 1989 pursuant to s. 742.10(4).

1990 Section 73. Paragraph (d) of subsection (1) of section  
 1991 744.3025, Florida Statutes, is amended to read:

1992 744.3025 Claims of minors.--

1993 (1)

1994 (d) The duty of the guardian ad litem is to protect the  
 1995 minor's interests ~~as described in the Florida Probate Rules.~~

1996 Section 74. Subsection (2) of section 744.307, Florida  
 1997 Statutes, is amended to read:

1998 744.307 Foreign guardian may manage the property of  
 1999 nonresident ward.--



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2000 (2) The guardian shall designate a resident agent ~~as~~  
 2001 ~~required by the Florida Probate Rules.~~

2002 Note.--Created from former s. 744.16.

2003  
 2004 Section 75. Subsection (2) of section 744.447, Florida  
 2005 Statutes, is amended to read:

2006 744.447 Petition for authorization to act.--

2007 (2) No notice of a petition to authorize a sale of  
 2008 perishable personal property or of property rapidly  
 2009 deteriorating shall be required. Notice of a petition to perform  
 2010 any other acts under s. 744.441 or s. 744.446 shall be given to  
 2011 the ward, to the next of kin, if any, and to those interested  
 2012 persons who have filed requests for notices and copies of  
 2013 pleadings, ~~as provided in the Florida Probate Rules,~~ unless  
 2014 waived by the court. Notice need not be given to a ward who is  
 2015 under 14 years of age or who has been determined to be totally  
 2016 incapacitated.

2017 Note.--Created from former s. 745.06.

2018  
 2019 Section 76. Section 765.105, Florida Statutes, is amended  
 2020 to read:

2021 765.105 Review of surrogate or proxy's decision.--The  
 2022 patient's family, the health care facility, or the attending  
 2023 physician, or any other interested person who may reasonably be  
 2024 expected to be directly affected by the surrogate or proxy's  
 2025 decision concerning any health care decision may seek expedited  
 2026 judicial intervention ~~pursuant to rule 5.900 of the Florida~~  
 2027 ~~Probate Rules,~~ if that person believes:

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2028 (1) The surrogate or proxy's decision is not in accord  
 2029 with the patient's known desires or the provisions of this  
 2030 chapter;

2031 (2) The advance directive is ambiguous, or the patient has  
 2032 changed his or her mind after execution of the advance  
 2033 directive;

2034 (3) The surrogate or proxy was improperly designated or  
 2035 appointed, or the designation of the surrogate is no longer  
 2036 effective or has been revoked;

2037 (4) The surrogate or proxy has failed to discharge duties,  
 2038 or incapacity or illness renders the surrogate or proxy  
 2039 incapable of discharging duties;

2040 (5) The surrogate or proxy has abused powers; or

2041 (6) The patient has sufficient capacity to make his or her  
 2042 own health care decisions.

2043 Section 77. Section 765.113, Florida Statutes, is amended  
 2044 to read:

2045 765.113 Restrictions on providing consent.--Unless the  
 2046 principal expressly delegates such authority to the surrogate in  
 2047 writing, or a surrogate or proxy has sought and received court  
 2048 approval ~~pursuant to rule 5.900 of the Florida Probate Rules,~~ a  
 2049 surrogate or proxy may not provide consent for:

2050 (1) Abortion, sterilization, electroshock therapy,  
 2051 psychosurgery, experimental treatments that have not been  
 2052 approved by a federally approved institutional review board in  
 2053 accordance with 45 C.F.R. part 46 or 21 C.F.R. part 56, or  
 2054 voluntary admission to a mental health facility.

2055 (2) Withholding or withdrawing life-prolonging procedures  
 2056 from a pregnant patient prior to viability as defined in s.  
 2057 390.0111(4).

2058 Section 78. Subsection (1) of section 768.72, Florida  
 2059 Statutes, is amended to read:

2060 768.72 Pleading in civil actions; claim for punitive  
 2061 damages.--

2062 (1) In any civil action, no claim for punitive damages  
 2063 shall be permitted unless there is a reasonable showing by  
 2064 evidence in the record or proffered by the claimant which would  
 2065 provide a reasonable basis for recovery of such damages. ~~The~~  
 2066 ~~claimant may move to amend her or his complaint to assert a~~  
 2067 ~~claim for punitive damages as allowed by the rules of civil~~  
 2068 ~~procedure.~~ The rules of civil procedure shall be liberally  
 2069 construed so as to allow the claimant discovery of evidence  
 2070 which appears reasonably calculated to lead to admissible  
 2071 evidence on the issue of punitive damages. No discovery of  
 2072 financial worth shall proceed until after the pleading  
 2073 concerning punitive damages is permitted.

2074 Section 79. Paragraph (a) of subsection (3) of section  
 2075 768.81, Florida Statutes, is amended to read:

2076 768.81 Comparative fault.--

2077 (3) APPORTIONMENT OF DAMAGES.--In cases to which this  
 2078 section applies, the court shall enter judgment against each  
 2079 party liable on the basis of such party's percentage of fault  
 2080 and not on the basis of the doctrine of joint and several  
 2081 liability.

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2082 (a) In order to allocate any or all fault to a nonparty, a  
 2083 defendant must affirmatively plead the fault of a nonparty and,  
 2084 absent a showing of good cause, identify the nonparty, if known,  
 2085 or describe the nonparty as specifically as practicable, either  
 2086 by motion or in the initial responsive pleading when defenses  
 2087 are first presented, subject to amendment any time before trial  
 2088 in accordance with court rule ~~the Florida Rules of Civil~~  
 2089 ~~Procedure~~.

2090 Section 80. Paragraph (b) of subsection (9) of section  
 2091 784.046, Florida Statutes, is amended to read:

2092 784.046 Action by victim of repeat violence, sexual  
 2093 violence, or dating violence for protective injunction; powers  
 2094 and duties of court and clerk of court; filing and form of  
 2095 petition; notice and hearing; temporary injunction; issuance;  
 2096 statewide verification system; enforcement.--

2097 (9)

2098 (b) If the respondent is arrested by a law enforcement  
 2099 officer under s. 901.15(6) for committing an act of repeat  
 2100 violence, sexual violence, or dating violence in violation of an  
 2101 injunction for protection, the respondent shall be held in  
 2102 custody until brought before the court as expeditiously as  
 2103 possible for the purpose of enforcing the injunction and for  
 2104 admittance to bail in accordance with chapter 903 ~~and the~~  
 2105 ~~applicable rules of criminal procedure~~, pending a hearing.

2106 Section 81. Subsection (4) of section 790.157, Florida  
 2107 Statutes, is amended to read:

2108 790.157 Presumption of impairment; testing methods.--

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2109 ~~(4) Any person charged with using a firearm while under~~  
 2110 ~~the influence of alcoholic beverages or controlled substances to~~  
 2111 ~~the extent that his or her normal faculties were impaired,~~  
 2112 ~~whether in a municipality or not, shall be entitled to trial by~~  
 2113 ~~jury according to the Florida Rules of Criminal Procedure.~~

2114 Section 82. Paragraph (h) of subsection (8) of section  
 2115 896.101, Florida Statutes, is amended to read:

2116 896.101 Florida Money Laundering Act; definitions;  
 2117 penalties; injunctions; seizure warrants; immunity.--

2118 (8)

2119 (h) Only the lawful owner or the account holder of the  
 2120 monetary instruments or funds being enjoined may request a  
 2121 hearing to contest the order entered pursuant to this section by  
 2122 petitioning the court that issued the order. A hearing must be  
 2123 held within 3 days after the request or as soon as practicable  
 2124 thereafter and before the expiration of the temporary order. The  
 2125 hearing must be set and noticed by the lawful owner of the  
 2126 monetary instruments or funds or his or her attorney. Notice of  
 2127 the hearing must be provided to the petitioner who procured the  
 2128 temporary injunction ~~pursuant to the Florida Rules of Civil~~  
 2129 ~~Procedure but~~ not less than 24 hours before the scheduled  
 2130 hearing. The court may receive and consider at a hearing held  
 2131 pursuant to this subsection, evidence and information that would  
 2132 be inadmissible under the Florida Rules of Evidence. A  
 2133 proceeding under this subsection is governed by the Florida  
 2134 Rules of Civil Procedure.

2135 Section 83. Subsection (2) of section 916.13, Florida  
 2136 Statutes, is amended to read:

2137 916.13 Involuntary commitment of defendant adjudicated  
 2138 incompetent.--

2139 (2) A defendant who has been charged with a felony and who  
 2140 has been adjudicated incompetent to proceed due to mental  
 2141 illness, and who meets the criteria for involuntary commitment  
 2142 to the department under the provisions of this chapter, may be  
 2143 committed to the department, and the department shall retain and  
 2144 treat the defendant. No later than 6 months after the date of  
 2145 admission and at the end of any period of extended commitment,  
 2146 or at any time the administrator or designee shall have  
 2147 determined that the defendant has regained competency to proceed  
 2148 or no longer meets the criteria for continued commitment, the  
 2149 administrator or designee shall file a report with the court  
 2150 ~~pursuant to the applicable Florida Rules of Criminal Procedure.~~

2151 Section 84. Subsection (3) of section 916.15, Florida  
 2152 Statutes, is amended to read:

2153 916.15 Involuntary commitment of defendant adjudicated not  
 2154 guilty by reason of insanity.--

2155 (3) Every defendant acquitted of criminal charges by  
 2156 reason of insanity and found to meet the criteria for  
 2157 involuntary commitment may be committed and treated in  
 2158 accordance with the provisions of this section and the  
 2159 applicable Florida Rules of Criminal Procedure. The department  
 2160 shall admit a defendant so adjudicated to an appropriate  
 2161 facility or program for treatment and shall retain and treat  
 2162 such defendant. No later than 6 months after the date of  
 2163 admission, prior to the end of any period of extended  
 2164 commitment, or at any time the administrator or designee shall

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2165 have determined that the defendant no longer meets the criteria  
 2166 for continued commitment placement, the administrator or  
 2167 designee shall file a report with the court ~~pursuant to the~~  
 2168 ~~applicable Florida Rules of Criminal Procedure.~~

2169 Section 85. Paragraph (a) of subsection (2) of section  
 2170 916.302, Florida Statutes, is amended to read:

2171 916.302 Involuntary commitment of defendant determined to  
 2172 be incompetent to proceed.--

2173 (2) ADMISSION TO A FACILITY.--

2174 (a) A defendant who has been charged with a felony and who  
 2175 is found to be incompetent to proceed due to retardation or  
 2176 autism, and who meets the criteria for involuntary commitment to  
 2177 the agency under the provisions of this chapter, shall be  
 2178 committed to the agency, and the agency shall retain and provide  
 2179 appropriate training for the defendant. No later than 6 months  
 2180 after the date of admission or at the end of any period of  
 2181 extended commitment or at any time the administrator or designee  
 2182 shall have determined that the defendant has regained competency  
 2183 to proceed or no longer meets the criteria for continued  
 2184 commitment, the administrator or designee shall file a report  
 2185 with the court pursuant to this chapter ~~and the applicable~~  
 2186 ~~Florida Rules of Criminal Procedure.~~

2187 Section 86. Paragraph (g) of subsection (1) of section  
 2188 924.07, Florida Statutes, is amended to read:

2189 924.07 Appeal by state.--

2190 (1) The state may appeal from:

2191 (g) An order adjudicating a defendant insane ~~under the~~  
 2192 ~~Florida Rules of Criminal Procedure.~~

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2193 Section 87. Paragraph (a) of subsection (6) of section  
 2194 932.704, Florida Statutes, is amended to read:

2195 932.704 Forfeiture proceedings.--

2196 (6) (a) If the property is required by law to be titled or  
 2197 registered, or if the owner of the property is known in fact to  
 2198 the seizing agency, or if the seized property is subject to a  
 2199 perfected security interest in accordance with the Uniform  
 2200 Commercial Code, chapter 679, the attorney for the seizing  
 2201 agency shall serve the forfeiture complaint ~~as an original~~  
 2202 ~~service of process under the Florida Rules of Civil Procedure~~  
 2203 ~~and other applicable law~~ to each person having an ownership or  
 2204 security interest in the property. The seizing agency shall also  
 2205 publish, in accordance with chapter 50, notice of the forfeiture  
 2206 complaint once each week for 2 consecutive weeks in a newspaper  
 2207 of general circulation, as defined in s. 165.031, in the county  
 2208 where the seizure occurred.

2209 Section 88. Paragraph (d) of subsection (12) of section  
 2210 984.03, Florida Statutes, is amended to read:

2211 984.03 Definitions.--When used in this chapter, the term:

2212 (12) "Child who is found to be dependent" or "dependent  
 2213 child" means a child who, pursuant to this chapter, is found by  
 2214 the court:

2215 (d) To have been voluntarily placed with a licensed child-  
 2216 placing agency for the purposes of subsequent adoption and a  
 2217 natural parent or parents have consented to termination of  
 2218 parental rights ~~signed a consent pursuant to the Florida Rules~~  
 2219 ~~of Juvenile Procedure.~~



2220 Section 89. Subsection (6) of section 984.04, Florida  
 2221 Statutes, is amended to read:

2222 984.04 Families in need of services and children in need  
 2223 of services; procedures and jurisdiction.--

2224 ~~(6) All procedures, including petitions, pleadings,~~  
 2225 ~~subpoenas, summonses, and hearings, in family in need of~~  
 2226 ~~services cases and child in need of services cases shall be~~  
 2227 ~~according to the Florida Rules of Juvenile Procedure unless~~  
 2228 ~~otherwise provided by law.~~

2229 Section 90. Subsection (13) of section 984.19, Florida  
 2230 Statutes, is amended to read:

2231 984.19 Medical screening and treatment of child;  
 2232 examination of parent, guardian, or person requesting custody.--

2233 (13) At any time after the filing of a petition for a  
 2234 child in need of services, when the mental or physical  
 2235 condition, including the blood group, of a parent, guardian, or  
 2236 other person requesting custody of a child is in controversy,  
 2237 the court may order the person to submit to a physical or mental  
 2238 examination by a qualified professional. The order may be made  
 2239 only upon good cause shown and pursuant to notice ~~and procedures~~  
 2240 ~~as set forth by the Florida Rules of Juvenile Procedure.~~

2241 Section 91. Paragraphs (a) and (b) of subsection (1)  
 2242 and paragraphs (a) and (b) of subsection (2) and of section  
 2243 984.20, Florida Statutes, are amended to read:

2244 984.20 Hearings for child-in-need-of-services cases.--

2245 (1) ARRAIGNMENT HEARING.--

2246 (a) When a child has been taken into custody by order of  
 2247 the court, an arraignment hearing shall be held within 7 days

2248 after the date the child is taken into custody. The hearing  
 2249 shall be held for the child and the parent, guardian, or  
 2250 custodian to admit, deny, or consent to findings that a child is  
 2251 in need of services as alleged in the petition. If the child and  
 2252 the parent, guardian, or custodian admit or consent to the  
 2253 findings in the petition, the court shall proceed ~~as set forth~~  
 2254 ~~in the Florida Rules of Juvenile Procedure~~. However, if either  
 2255 the child or the parent, guardian, or custodian denies any of  
 2256 the allegations of the petition, the court shall hold an  
 2257 adjudicatory hearing within 7 days after the date of the  
 2258 arraignment hearing.

2259 (b) When a child is in the custody of the parent,  
 2260 guardian, or custodian, upon the filing of a petition, the clerk  
 2261 shall set a date for an arraignment hearing within a reasonable  
 2262 time from the date of the filing of the petition. If the child  
 2263 and the parent, guardian, or custodian admit or consent to an  
 2264 adjudication, the court shall proceed ~~as set forth in the~~  
 2265 ~~Florida Rules of Juvenile Procedure~~. However, if either the  
 2266 child or the parent, guardian, or custodian denies any of the  
 2267 allegations of child in need of services, the court shall hold  
 2268 an adjudicatory hearing within a reasonable time from the date  
 2269 of the arraignment hearing.

2270 (2) ADJUDICATORY HEARING.--

2271 (a) The adjudicatory hearing shall be held as soon as  
 2272 practicable after the petition for a child in need of services  
 2273 is filed ~~and in accordance with the Florida Rules of Juvenile~~  
 2274 ~~Procedure~~, but reasonable delay for the purpose of  
 2275 investigation, discovery, or procuring counsel or witnesses

2276 shall, whenever practicable, be granted. If the child is in  
 2277 custody, the adjudicatory hearing shall be held within 14 days  
 2278 after the date the child was taken into custody.

2279 (b) Adjudicatory hearings shall be conducted by the judge  
 2280 without a jury, ~~applying the rules of evidence in use in civil~~  
 2281 ~~eases and adjourning the hearings from time to time as~~  
 2282 ~~necessary~~. In a hearing on a petition in which it is alleged  
 2283 that the child is a child in need of services, a preponderance  
 2284 of evidence shall be required to establish that the child is in  
 2285 need of services.

2286 Section 92. Paragraph (e) of subsection (4) and paragraph  
 2287 (d) of subsection (6) and of section 985.19, Florida Statutes,  
 2288 are amended to read:

2289 985.19 Incompetency in juvenile delinquency cases.--

2290 (4) A child who is determined to have mental illness,  
 2291 mental retardation, or autism, who has been adjudicated  
 2292 incompetent to proceed, and who meets the criteria set forth in  
 2293 subsection (3), must be committed to the Department of Children  
 2294 and Family Services and receive treatment or training in a  
 2295 secure facility or program that is the least restrictive  
 2296 alternative consistent with public safety. Any placement of a  
 2297 child to a secure residential program must be separate from  
 2298 adult forensic programs. If the child attains competency, then  
 2299 custody, case management, and supervision of the child will be  
 2300 transferred to the department in order to continue delinquency  
 2301 proceedings; however, the court retains authority to order the  
 2302 Department of Children and Family Services to provide continued  
 2303 treatment or training to maintain competency.

2304 (e) The service provider must file a written report with  
 2305 the court ~~pursuant to the applicable Florida Rules of Juvenile~~  
 2306 ~~Procedure~~ not later than 6 months after the date of commitment,  
 2307 or at the end of any period of extended treatment or training,  
 2308 and at any time the Department of Children and Family Services,  
 2309 through its service provider determines the child has attained  
 2310 competency or no longer meets the criteria for secure placement,  
 2311 or at such shorter intervals as ordered by the court. A copy of  
 2312 a written report evaluating the child's competency must be filed  
 2313 by the provider with the court and with the state attorney, the  
 2314 child's attorney, the department, and the Department of Children  
 2315 and Family Services.

2316 (6)

2317 (d) The service provider must file a written report with  
 2318 the court ~~pursuant to the applicable Florida Rules of Juvenile~~  
 2319 ~~Procedure~~, not later than 6 months after the date of commitment,  
 2320 at the end of any period of extended treatment or training, and  
 2321 at any time the service provider determines the child has  
 2322 attained competency or will never attain competency, or at such  
 2323 shorter intervals as ordered by the court. A copy of a written  
 2324 report evaluating the child's competency must be filed by the  
 2325 provider with the court, the state attorney, the child's  
 2326 attorney, the Department of Children and Family Services, and  
 2327 the department.

2328 Section 93. Paragraph (g) of subsection (1) of section  
 2329 985.255, Florida Statutes, is amended to read:

2330 985.255 Detention criteria; detention hearing.--

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2331 (1) Subject to s. 985.25(1), a child taken into custody  
 2332 and placed into nonsecure or home detention care or detained in  
 2333 secure detention care prior to a detention hearing may continue  
 2334 to be detained by the court if:

2335 (g) The child is charged with any second degree or third  
 2336 degree felony involving a violation of chapter 893 or any third  
 2337 degree felony that is not also a crime of violence, and the  
 2338 child:

- 2339 1. Has a record of failure to appear at court hearings  
 2340 after being properly notified ~~in accordance with the Rules of~~  
 2341 ~~Juvenile Procedure;~~
- 2342 2. Has a record of law violations prior to court hearings;
- 2343 3. Has already been detained or has been released and is  
 2344 awaiting final disposition of the case;
- 2345 4. Has a record of violent conduct resulting in physical  
 2346 injury to others; or
- 2347 5. Is found to have been in possession of a firearm.

2348 Section 8. Subsection (6) of section 985.26, Florida  
 2349 Statutes, is amended to read:

2350 985.26 Length of detention.--

2351 (6) If a child is detained and a petition for delinquency  
 2352 is filed, the child shall be arraigned ~~in accordance with the~~  
 2353 ~~Florida Rules of Juvenile Procedure~~ within 48 hours after the  
 2354 filing of the petition for delinquency.

2355 Section 94. Subsection (1) of section 985.35, Florida  
 2356 Statutes, is amended to read:

2357 985.35 Adjudicatory hearings; withheld adjudications;  
 2358 orders of adjudication.--

2359 (1) The adjudicatory hearing must be held as soon as  
 2360 practicable after the petition alleging that a child has  
 2361 committed a delinquent act or violation of law is filed ~~and in~~  
 2362 ~~accordance with the Florida Rules of Juvenile Procedure~~; but  
 2363 reasonable delay for the purpose of investigation, discovery, or  
 2364 procuring counsel or witnesses shall be granted. If the child is  
 2365 being detained, the time limitations in s. 985.26(2) and (3)  
 2366 apply.

2367 Section 95. Paragraph (b) of subsection (1) of section  
 2368 985.534, Florida Statutes, is amended to read:

2369 985.534 Appeal.--

2370 (1) An appeal from an order of the court affecting a party  
 2371 to a case involving a child under this chapter may be taken to  
 2372 the appropriate district court of appeal within the time and in  
 2373 the manner prescribed by s. 924.051 and the Florida Rules of  
 2374 Appellate Procedure by:

2375 (b) The state, which may appeal from:

- 2376 1. An order dismissing a petition or any section thereof;
- 2377 2. An order granting a new adjudicatory hearing;
- 2378 3. An order arresting judgment;
- 2379 4. A ruling on a question of law when the child is
- 2380 adjudicated delinquent and appeals from the judgment;
- 2381 5. The disposition, on the ground that it is illegal;
- 2382 6. A judgment discharging a child on habeas corpus;
- 2383 7. An order adjudicating a child insane ~~under the Florida~~
- 2384 ~~Rules of Juvenile Procedure~~; and

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2385           8. All other preadjudicatory hearings, except that the  
2386 state may not take more than one appeal under this subsection in  
2387 any case.

2388

2389 In the case of an appeal by the state, the notice of appeal  
2390 shall be filed by the appropriate state attorney or his or her  
2391 authorized assistant under s. 27.18. Such an appeal shall embody  
2392 all assignments of error in each preadjudicatory hearing order  
2393 that the state seeks to have reviewed. The state shall pay all  
2394 costs of the appeal except for the child's attorney's fee.

2395           Section 96. This act shall take effect July 1, 2008.