



Judiciary Committee

Thursday, March 17, 2011

9:00 AM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**William Snyder
Chair**

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

Summary:

Judiciary Committee

Thursday March 17, 2011 09:00 am

HB 101	Favorable	Yeas: 16	Nays: 0
CS/HB 253	Favorable	Yeas: 17	Nays: 0
CS/HB 277	Favorable With Committee Substitute	Yeas: 17	Nays: 0
HB 325	Favorable With Committee Substitute	Yeas: 16	Nays: 0
HB 469	Favorable	Yeas: 16	Nays: 0
HB 4135	Favorable	Yeas: 17	Nays: 0
HB 4137	Favorable	Yeas: 17	Nays: 0
HB 7023	Favorable With Committee Substitute	Yeas: 17	Nays: 0

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Dennis Baxley	X		
Daphne Campbell	X		
Eric Eisnaugle	X		
Matt Gaetz	X		
Tom Goodson	X		
Bill Hager			X
Shawn Harrison	X		
John Julien	X		
Charles McBurney	X		
Larry Metz	X		
Kathleen Passidomo	X		
Ray Pilon	X		
Ari Porth	X		
Elaine Schwartz	X		
Darren Soto	X		
Richard Steinberg	X		
W. Gregory Steube	X		
Totals:	17	0	1

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

HB 101 : Violations of Injunctions for Protection

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley			X		
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

HB 101

Messersmith, Frank (Lobbyist) - Waive In Support

Florida Sheriffs Association

PO Box 12519

Tallahassee FL 32317

Phone: (850)576-5858

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

CS/HB 253 : Limited Liability Companies

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

CS/HB 253

Adams, Howard "Gene" (Lobbyist) - Waive In Support
Real Property, Probate and Trust Law Section of the Florida Bar
215 S Monroe St
Tallahassee FL 32301
Phone: 850-222-3533

CS/HB 253

Wiley, William (Lobbyist) - Proponent
Florida Bar Business Law Section, The
651 E Jefferson St
Tallahassee FL 32399-2300
Phone: (850)545-9438

CS/HB 253

Black, Greg (Lobbyist) - Opponent
Florida Bankers Association
1001 Thomasville Rd, #201
Tallahassee FL 32303
Phone: 850-509-8022

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

CS/HB 277 : Statutes of Limitations

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

CS/HB 277

Bell, Douglas (Lobbyist) - Waive In Support

Volusia County

123 W Indiana Ave

DeLand FL 32720

Phone: (850)222-3533

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 277 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

*Favorable
3-17-11*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative(s) Goodson offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraphs (a) and (d) of subsection (6) and
7 subsection (14) of section 768.28, Florida Statutes, are amended
8 to read:

9 768.28 Waiver of sovereign immunity in tort actions;
10 recovery limits; limitation on attorney fees; statute of
11 limitations; exclusions; indemnification; risk management
12 programs.—

13 (6) (a) An action may not be instituted on a claim against
14 the state or one of its agencies or subdivisions unless the
15 claimant presents the claim in writing to the appropriate
16 agency, and also, except as to any claim against a municipality
17 or the Florida Space Authority, presents such claim in writing
18 to the Department of Financial Services, within 3 years after
19 such claim accrues and the Department of Financial Services or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 277 (2011)

Amendment No. 1

20 the appropriate agency denies the claim in writing; except that,
21 if:

22 1. Such claim is for contribution pursuant to s. 768.31,
23 it must be so presented within 6 months after the judgment
24 against the tortfeasor seeking contribution has become final by
25 lapse of time for appeal or after appellate review or, if there
26 is no such judgment, within 6 months after the tortfeasor
27 seeking contribution has either discharged the common liability
28 by payment or agreed, while the action is pending against her or
29 him, to discharge the common liability; or

30 2. Such action is for wrongful death, the claimant must
31 present the claim in writing to the Department of Financial
32 Services within 2 years after the claim accrues.

33 (d) For purposes of this section, complete, accurate, and
34 timely compliance with the requirements of paragraph (c) shall
35 occur prior to settlement payment, close of discovery or
36 commencement of trial, whichever is sooner; provided the ability
37 to plead setoff is not precluded by the delay. This setoff shall
38 apply only against that part of the settlement or judgment
39 payable to the claimant, minus claimant's reasonable attorney's
40 fees and costs. Incomplete or inaccurate disclosure of unpaid
41 adjudicated claims due the state, its agency, officer, or
42 subdivision, may be excused by the court upon a showing by the
43 preponderance of the evidence of the claimant's lack of
44 knowledge of an adjudicated claim and reasonable inquiry by, or
45 on behalf of, the claimant to obtain the information from public
46 records. Unless the appropriate agency had actual notice of the
47 information required to be disclosed by paragraph (c) in time to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 277 (2011)

Amendment No. 1

48 assert a setoff, an unexcused failure to disclose shall, upon
49 hearing and order of court, cause the claimant to be liable for
50 double the original undisclosed judgment and, upon further
51 motion, the court shall enter judgment for the agency in that
52 amount. Except as provided otherwise in this subsection, the
53 failure of the Department of Financial Services or the
54 appropriate agency to make final disposition of a claim within 6
55 months after it is filed shall be deemed a final denial of the
56 claim for purposes of this section. For purposes of this
57 subsection, in medical malpractice actions and in wrongful death
58 actions, the failure of the Department of Financial Services or
59 the appropriate agency to make final disposition of a claim
60 within 90 days after it is filed shall be deemed a final denial
61 of the claim. The statute of limitations for medical malpractice
62 actions and wrongful death actions is tolled for the period of
63 time taken by the Department of Financial Services or the
64 appropriate agency to deny the claim. The provisions of this
65 subsection do not apply to such claims as may be asserted by
66 counterclaim pursuant to s. 768.14.

67 (14) Every claim against the state or one of its agencies
68 or subdivisions for damages for a negligent or wrongful act or
69 omission pursuant to this section shall be forever barred unless
70 the civil action is commenced by filing a complaint in the court
71 of appropriate jurisdiction within 4 years after such claim
72 accrues; except that an action for contribution must be
73 commenced within the limitations provided in s. 768.31(4), and
74 an action for damages arising from medical malpractice or

Amendment No. 1

75 wrongful death must be commenced within the limitations for such
76 actions ~~an action~~ in s. 95.11(4).

77 Section 2. This act shall take effect July 1, 2011, and
78 applies to causes of action accruing on or after that date.

79

80

81 -----

82

T I T L E A M E N D M E N T

83

Remove the entire title and insert:

84

An act relating to sovereign immunity; amending s. 768.28, F.S.;

85

requiring that a claim in a wrongful death case be presented to

86

the Department of Financial Services within 2 years after the

87

claim accrues; providing that failure of the Department of

88

Financial Services or the appropriate agency to make final

89

disposition of a claim for wrongful death within 90 days after

90

it is filed is deemed to be a final denial of the claim; tolling

91

the statute of limitations for the period of time taken by the

92

Department of Financial Services or other agency to deny a

93

medical malpractice or wrongful death claim; providing that

94

actions for wrongful death against the state or one of its

95

agencies or subdivisions must be brought within the period

96

applicable to actions brought against other defendants;

97

providing for the application of the act to causes of action

98

accruing on or after the effective date; providing an effective

99

date.

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

HB 325 : Estates

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley			X		
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Favorable
3-17-11*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative(s) Wood offered the following:

Amendment (with title amendment)

Between lines 166 and 167, insert:

Section 11. Section 90.5021, Florida Statutes, is created
to read:

90.5021 Fiduciary lawyer-client privilege.—

(1) For the purpose of this section, a client acts as a
fiduciary when serving as a personal representative or a trustee
as defined in s. 731.201 and s. 736.0103, an administrator ad
litem as defined in s. 733.308, a curator as described in s.
733.501, a guardian or guardian ad litem as defined in s.
744.102, a conservator as defined in s. 710.102, or an attorney
in fact as described in ch. 709.

(2) A communication between a lawyer and a client acting as
a fiduciary is privileged and protected from disclosure under s.
90.502 to the same extent as if the client were not acting as a
fiduciary. In applying s. 90.502 to a communication under this

Amendment No. 1

20 section, only the person or entity acting as a fiduciary is
21 considered a client of the lawyer.

22 (3) Nothing in this section shall affect the crime-fraud
23 exception to the lawyer-client privilege set forth in s.
24 90.502(4)(a).

25

26

27

28

T I T L E A M E N D M E N T

29

Remove line 29 and insert:

30

Procedure; creating s. 90.5021, F.S.; providing a fiduciary

31

lawyer-client privilege; providing effective dates.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 325 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

*Favorable
3-17-11*

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative(s) Wood offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 166 and 167, insert:

6 Section 11. Paragraph (b) of subsection (2) of section
7 733.212, Florida Statutes, is amended to read:

8 733.212 Notice of administration; filing of objections.—

9 (2) The notice shall state:

10 (b) The name and address of the personal representative
11 and the name and address of the personal representative's
12 attorney, and that the fiduciary lawyer-client privilege in s.
13 90.5021 applies with respect to the personal representative and
14 any attorney employed by the personal representative.

15 Section 12. Paragraphs (a) and (b) of subsection (1) of
16 section 736.0813, Florida Statutes, is amended to read:

17 736.0813 Duty to inform and account.—The trustee shall
18 keep the qualified beneficiaries of the trust reasonably
19 informed of the trust and its administration.

Amendment No. 2

20 (1) The trustee's duty to inform and account includes, but
21 is not limited to, the following:

22 (a) Within 60 days after acceptance of the trust, the
23 trustee shall give notice to the qualified beneficiaries of the
24 acceptance of the trust, ~~and~~ the full name and address of the
25 trustee, and that the fiduciary lawyer-client privilege in s.
26 90.5021 applies with respect to the trustee and any attorney
27 employed by the trustee.

28 (b) Within 60 days after the date the trustee acquires
29 knowledge of the creation of an irrevocable trust, or the date
30 the trustee acquires knowledge that a formerly revocable trust
31 has become irrevocable, whether by the death of the settlor or
32 otherwise, the trustee shall give notice to the qualified
33 beneficiaries of the trust's existence, the identity of the
34 settlor or settlors, the right to request a copy of the trust
35 instrument, ~~and~~ the right to accountings under this section, and
36 that the fiduciary lawyer-client privilege in s. 90.5021 applies
37 with respect to the trustee and any attorney employed by the
38 trustee.

39
40 Paragraphs (a) and (b) do not apply to an irrevocable trust
41 created before the effective date of this code, or to a
42 revocable trust that becomes irrevocable before the effective
43 date of this code. Paragraph (a) does not apply to a trustee who
44 accepts a trusteeship before the effective date of this code.
45
46
47

Amendment No. 2

48

49

T I T L E A M E N D M E N T

50

Remove line 29 and insert:

51

Procedure; amending s. 733.212, F.S.; providing for notice of

52

fiduciary lawyer-client privilege; amending s. 736.0813, F.S.;

53

providing for notice of fiduciary lawyer-client privilege;

54

providing effective dates.

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

HB 469 : Individual Retirement Accounts

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley			X		
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

HB 469

Edenfield, Martha (Lobbyist) - Waive In Support
Real Property, Probate & Trust Law Section
c/o The Florida Bar 651 E Jefferson St
Tallahassee FL 32399
Phone: (850)222-3533

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

HB 4135 : District Court Marshals

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

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COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

HB 4137 : Marshal of the Supreme Court

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE MEETING REPORT

Judiciary Committee

3/17/2011 9:00:00AM

Location: 404 HOB

HB 7023 : Judiciary

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager				X	
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Committee meeting was reported out: Thursday, March 17, 2011 10:28:04AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7023 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

*favorable
3-17-11*

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative(s) Steube offered the following:

Amendment (with title amendment)

Between lines 180 and 181, insert:

Section 14. Section 27.04, Florida Statutes, is amended to read:

27.04 Summoning and examining witnesses for state.—The state attorney shall have summoned all witnesses required on behalf of the state; and he or she is allowed the process of his or her court to summon witnesses from throughout the state to appear before the state attorney ~~in or out of term time~~ at such convenient places in the state attorney's judicial circuit and at such convenient times as may be designated in the summons, to testify before him or her as to any violation of the law upon which they may be interrogated, and he or she is empowered to administer oaths to all witnesses summoned to testify by the process of his or her court or who may voluntarily appear before

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7023 (2011)

Amendment No. 1

19 the state attorney to testify as to any violation or violations
20 of the law.

21 Section 15. Subsection (2) of section 34.13, Florida
22 Statutes, is amended to read:

23 34.13 Method of prosecution.—

24 (2) Upon the finding of indictments by the grand jury for
25 crimes cognizable by the county court, the clerk of the court,
26 without any order therefor, shall docket the same on the trial
27 docket of the county court ~~on or before the first day of its~~
28 ~~next succeeding term.~~

29 Section 16. Subsection (2) of section 35.05, Florida
30 Statutes, is amended to read:

31 35.05 Headquarters.—

32 (2) A district court of appeal may designate other
33 locations within its district as branch headquarters for the
34 conduct of the business of the court ~~in special or regular term~~
35 and as the official headquarters of its officers or employees
36 pursuant to s. 112.061.

37 Section 17. Section 38.23, Florida Statutes, is amended to
38 read:

39 38.23 Contempt ~~Contempts~~ defined.—A refusal to obey any
40 legal order, mandate or decree, made or given by any judge
41 ~~either in term time or in vacation~~ relative to any of the
42 business of said court, after due notice thereof, shall be
43 considered a contempt, and punished accordingly. ~~But nothing~~
44 ~~said or written, or published, in vacation, to or of any judge,~~
45 ~~or of any decision made by a judge, shall in any case be~~
46 ~~construed to be a contempt.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7023 (2011)

Amendment No. 1

47 Section 18. Paragraph (b) of subsection (1) of section
48 112.19, Florida Statutes, is amended to read:

49 112.19 Law enforcement, correctional, and correctional
50 probation officers; death benefits.—

51 (1) Whenever used in this section, the term:

52 (b) "Law enforcement, correctional, or correctional
53 probation officer" means any officer as defined in s. 943.10(14)
54 or employee of the state or any political subdivision of the
55 state, including any law enforcement officer, correctional
56 officer, correctional probation officer, state attorney
57 investigator, or public defender investigator, whose duties
58 require such officer or employee to investigate, pursue,
59 apprehend, arrest, transport, or maintain custody of persons who
60 are charged with, suspected of committing, or convicted of a
61 crime; and the term includes any member of a bomb disposal unit
62 whose primary responsibility is the location, handling, and
63 disposal of explosive devices. The term also includes any full-
64 time officer or employee of the state or any political
65 subdivision of the state, certified pursuant to chapter 943,
66 whose duties require such officer to serve process or to attend
67 sessions ~~terms~~ of the circuit or county court as bailiff.

68 Section 19. Subsection (2) of section 206.215, Florida
69 Statutes, is amended to read:

70 206.215 Costs and expenses of proceedings.—

71 (2) The clerks of the courts performing duties under the
72 provisions aforesaid shall receive the same fees as prescribed
73 by the general law for the performance of similar duties, and
74 witnesses attending any investigation pursuant to subpoena shall

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7023 (2011)

Amendment No. 1

75 receive the same mileage and per diem as if attending as a
76 witness before the circuit court ~~in term time~~.

77 Section 20. Subsection (4) of section 450.121, Florida
78 Statutes, is amended to read:

79 450.121 Enforcement of Child Labor Law.—

80 (4) Grand juries shall have inquisitorial powers to
81 investigate violations of this chapter; also, trial court judges
82 shall specially charge the grand jury, ~~at the beginning of each~~
83 ~~term of the court,~~ to investigate violations of this chapter.

84 Section 21. Section 831.10, Florida Statutes, is amended
85 to read:

86 831.10 Second conviction of uttering forged bills.—

87 Whoever, having been convicted of the offense mentioned in s.
88 831.09 is again convicted of the like offense committed after
89 the former conviction, ~~and whoever is at the same term of the~~
90 ~~court convicted upon three distinct charges of such offense,~~
91 shall be deemed a common utterer of counterfeit bills, and shall
92 be punished as provided in s. 775.084.

93 Section 22. Subsection (1) of section 902.19, Florida
94 Statutes, is amended to read:

95 902.19 When prosecutor liable for costs.—

96 (1) When a person makes a complaint before a county court
97 judge that a crime has been committed and is recognized by the
98 county court judge to appear before ~~at the next term of the~~
99 court having jurisdiction to give evidence of the crime and
100 fails to appear, the person shall be liable for all costs
101 occasioned by his or her complaint, and the county court judge

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7023 (2011)

Amendment No. 1

102 may enter ~~obtain~~ a judgment and execution for the costs as in
103 other cases.

104 Section 23. Subsection (2) of section 924.065, Florida
105 Statutes, is amended to read:

106 924.065 Denial of motion for new trial or arrest of
107 judgment; appeal bond; supersedeas.-

108 (2) An appeal shall not be a supersedeas to the execution
109 of the judgment, sentence, or order until the appellant has
110 entered into a bond with at least two sureties to secure the
111 payment of the judgment, fine, and any future costs that may be
112 adjudged by the appellate court. The bond shall be conditioned
113 on the appellant's personally answering and abiding by the final
114 order, sentence, or judgment of the appellate court and, if the
115 action is remanded, on the appellant's appearing before ~~at the~~
116 ~~next term~~ of the court in which the case was originally
117 determined and not departing without leave of court.

118 Section 24. Section 932.47, Florida Statutes, is amended
119 to read:

120 932.47 Informations filed by prosecuting attorneys.-
121 Informations may be filed by the prosecuting attorney of the
122 circuit court with the clerk of the circuit court ~~in vacation or~~
123 ~~in term~~ without leave of the court first being obtained.

127 **T I T L E A M E N D M E N T**

128 Remove line 58 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7023 (2011)

Amendment No. 1

129 act; amending s. 27.04, F.S.; removing reference to terms of
130 court in statute regarding the summoning witnesses by the state
131 attorney; amending s. 34.13, F.S.; removing reference to terms
132 of court in statute regarding prosecutions before the county
133 court; amending s. 35.05, F.S.; removing reference to terms of
134 court in statute regarding branch offices of a district court of
135 appeal; amending s. 38.23, F.S.; removing reference to terms of
136 court in statute regarding contempt of court; amending s.
137 112.19, F.S.; removing reference to terms of court in statute
138 regarding law enforcement officers; amending s. 206.215, F.S.;
139 removing reference to terms of court in statute regarding costs
140 of prosecution; amending s. 450.121, F.S.; removing reference to
141 terms of court in statute regarding grand jury proceedings to
142 enforce child labor law; amending s. 831.10, F.S.; removing
143 reference to terms of court in statute regarding uttering forged
144 bills; amending s. 902.19, F.S.; removing reference to terms of
145 court in statute regarding costs payable by a prosecutor;
146 amending s. 924.065, F.S.; removing reference to terms of court
147 in statute regarding appeal bonds; amending s. 932.47, F.S.;
148 removing reference to terms of court in statute regarding the
149 filing of an information by a prosecuting attorney; providing an
150 effective date.