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Supreme Court of Florida

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May 20, 2013

Ms. Gwynne A. Young
President
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Mr. John F. Harkness, Jr.
Executive Director
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: 2013 Legislation Potentially Affecting Court Rules and Jury Instructions

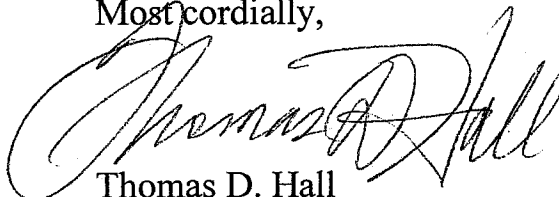
Dear Ms. Young and Mr. Harkness:

This letter addresses legislation passed during the 2013 Regular Session that may necessitate changes to court rules. Staff of the Office of the State Courts Administrator (OSCA) prepared the enclosed table, which identifies as specifically as possible court rules potentially affected by recently enacted legislation and identifies the effective date of each measure. Action by the Governor may still be required for these measures to become law. If a measure has been approved by the Governor or become law without his signature, as of the date on the table, the table includes the assigned chapter law.

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Mr. John F. Harkness, Jr.
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Please do not hesitate to contact me if you have questions.

Most cordially,



Thomas D. Hall

TDH/ewm

Enclosure

cc: The Honorable Ricky Polston, Chief Justice
The Honorable James M. Barton II, Chair, Standard Jury Instructions
Committee (Civil)
The Honorable Jonathan D. Gerber, Chair, Standard Jury Instructions
Committee (Contract and Business Cases)
The Honorable Joseph A. Bulone, Chair, Standard Jury Instructions
Committee (Criminal)
Michael Robert Ufferman, Chair, Appellate Court Rules Committee
The Honorable Richard Allen Nielsen, Chair, Civil Procedure Rules
Committee
Thomas D. Shults, Chair, Code and Rules of Evidence Committee
Mark Caliel, Chair, Criminal Procedure Rules Committee
Matthew Burns Capstraw, Chair, Family Law Rules Committee
James Raymond George, Chair, Florida Probate Rules Committee
Alexandra V. Rieman, Chair, Judicial Administration Rules Committee
The Honorable Daniel Paul Dawson, Chair, Juvenile Court Rules Committee
Thomas Robert Thompson, Chair, Small Claims Rules Committee
David Ashley Haenel, Chair, Traffic Court Rules Committee
Paul Hill, General Counsel, The Florida Bar
Jodi B. Jennings, Director, Legal Publications, The Florida Bar
Deborah J. Meyer, Director, Central Staff, Supreme Court of Florida
Lisa Goodner, State Courts Administrator
Laura Rush, General Counsel, OSCA
Bart Schneider, Senior Attorney, OSCA
Eric Maclure, Director, Community and Intergovernmental Relations,
OSCA

**2013 BILLS POTENTIALLY AFFECTING COURT
RULES/JURY INSTRUCTIONS
(As of May 21, 2013)**

| Administration- Judicial and Budget House Bill | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/ Effective Date |
|--|---|---|--|
| HB 7017 | Terms of Courts/ Rep. Spano | Florida Rule of Appellate Procedure 9.340 relating to issuance of mandates, and, as necessary, conforming Florida Rules of Judicial Administration 2.205(b)(5) and 2.210(b)(4). | January 1, 2014 Chapter No. 2013- 25, L.O.F. |
| Administration- Judicial and Budget Senate Bill | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/ Effective Date |
| SB 0186 | Jurisdiction of the Courts/ Sen. Diaz de la Portilla | The bill may require adoption of new or amended jury instructions in contract or business cases. | July 1, 2013 |
| Civil House Bill | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/ Effective Date |
| HB 0087 (also in Foreclosure) | Mortgage Foreclosures/ Rep. Passidomo | Section 9 of the bill requests that the Supreme Court amend the Florida Rules of Civil Procedure to provide expedited foreclosure proceedings conforming to changes under the bill. The bill also requests that the Court develop and publish forms relating to these matters. | Upon becoming a law |
| Civil Senate Bills | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/ Effective Date |
| SB 0112 (also in Criminal) | Filing False Documents/Property/ Sen. Dean | May require new jury instruction specific to the award of damages subject to the specific criteria under s. 768.72. | October 1, 2013 |

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| SB 0390 (also in Criminal) | Veterans' Organizations/ Sen. Dean | May require a new jury instruction. | July 1, 2013 |
| SB 0492 | Estates/ Sen. Hukill | Review Fla. R. Civ. P. 1.070, in light of proposed new s. 736.02025, F.S., relating to service of process. | October 1, 2013 |
| SB 1106 | Agritourism/ Sen. Hays | May need revision to the Standard Jury Instructions in Civil Cases. | July 1, 2013 |
| Criminal House Bills | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/Effective Date |
| HB 0953 (also in ISS) | Warrants/ Rep. Nunez | Fla. R. Crim. P. 3.121 could be updated to reflect possibility of electronic warrants. | July 1, 2013 |
| HB 7015 | Expert Testimony/ Rep. Metz | The bill amends s. 90.702, F.S., relating to expert testimony and anticipates the Supreme Court will adopt these changes as a matter of course; ensuring court procedures are consistent with the evidence code. Changes in s. 90.702, F.S., will also require amendment of jury instructions in both civil and criminal matters. | July 1, 2013 |
| HB 7083 | Death Penalty/ Rep. Gaetz | Bill codifies in statute capital postconviction public records production (significant portions of R. Crim. Pro. 3.852 with revisions/adjustments). New Supreme Court Subcommittee on Capital Postconviction Proceedings likely to recommend changes to existing rules. (See AOSC13-11.) | July 1, 2013 |
| Criminal Senate Bills | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/Effective Date |
| SB 0112 (also in Civil) | Filing False Documents/ Property/ Sen. Dean | May require new jury instruction specific to the award of damages subject to the specific criteria under s. | October 1, 2013 |

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| | | 768.72, F.S. | |
| SB 0294 | Controlled Substances/ Sen. Bradley | Would need to amend the jury instruction for possession of a controlled substance. | Upon becoming a law (April 24, 2013) Chapter No. 2013-29, L.O.F. |
| SB 0390 (also in Civil) | Veterans' Organizations/ Sen. Dean | May require a new jury instruction. | July 1, 2013 |
| Family Senate Bill | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/Effective Date |
| SB 1036 | Independent Living/ Sen. Detert | Florida Rule of Juvenile Procedure 8.415 would need to be amended. Rule 8.425 and Form 8.970 might need to be amended as well. | January 1, 2014 |
| Foreclosure House Bill | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/Effective Date |
| HB 0087 (also in Civil) | Mortgage Foreclosures/ Rep. Passidomo | Section 9 of the bill requests that the Supreme Court amend the Florida Rules of Civil Procedure to provide expedited foreclosure proceedings conforming to changes under the bill. The bill also requests that the Court develop and publish forms relating to these matters. | Upon becoming a law |
| ISS House Bill | Short Title/Sponsor | Rule/Jury Instruction Affected | Comments/Effective Date |
| HB 0953 (also in Criminal) | Warrants/ Rep. Nunez | Fla. R. Crim. P. 3.121 could be updated to reflect possibility of electronic warrants. | July 1, 2013 |

Compiled by the Office of the State Courts Administrator, May 2013