

By Senator Altman

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1 A bill to be entitled
2 An act relating to senior judges; amending s. 25.073,
3 F.S.; conforming provisions to changes made by this
4 act; providing for the chief judge of a judicial
5 circuit, subject to approval by the Chief Justice of
6 the Supreme Court, to establish a program for retired
7 justices or judges to preside over civil cases and
8 trials upon written request of one or more parties;
9 providing for compensation of such justices or judges;
10 providing for an additional court cost and for deposit
11 thereof; providing legislative intent; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (3) of section 25.073, Florida
17 Statutes, is amended, and subsection (4) is added to that
18 section, to read:

19 25.073 Retired justices or judges assigned to temporary
20 duty; additional compensation; appropriation.—

21 (3) Payments required under subsection (2) ~~this section~~
22 shall be made from moneys to be appropriated for this purpose.

23 (4) In addition to subsections (1)-(3), the chief judge of
24 a judicial circuit may, subject to approval by the Chief
25 Justice, establish a program for the use of retired justices or
26 judges to preside over civil cases and trials upon written
27 request of one or more parties, whereby such retired justices or
28 judges may be appointed and compensated as follows:

29 (a) A retired justice or judge available for appointment

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30 pursuant to this subsection shall be paid by the parties at the
31 same rate set by the Chief Justice for retired justices or
32 judges. There shall be an additional court cost assessed against
33 the nonprevailing party or parties for the per diem cost of
34 using a retired justice or judge as established by
35 administrative order of the chief judge.

36 (b) The program shall require prepayment by the requesting
37 party or parties of no less than the per diem cost for the
38 anticipated number of days requested before appointment of a
39 retired justice or judge to the case. The minimum per diem cost
40 shall be 1 day. If the party or parties making the prepayment
41 prevail, this prepayment shall be refunded upon payment of the
42 costs of the retired justice or judge by the nonprevailing
43 party.

44 (c) The additional court cost shall be deposited into the
45 Operating Trust Fund within the state courts system under s.
46 25.3844.

47 (d) Only retired justices or judges who are on the list
48 that is approved by the Chief Justice are eligible for
49 appointment in this program. Assignment of such retired justices
50 or judges shall be made in accordance with current judge
51 assignment procedures in each judicial circuit.

52 (e) The funds collected under this program shall not
53 diminish or otherwise affect legislative appropriations to
54 judicial circuits for retention of retired justices or judges
55 who have not been requested by the parties under this program.

56 (f) The use of this program shall in no way diminish or
57 otherwise affect the power and authority of the Chief Justice to
58 assign justices or judges, including consenting retired justices

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59 or judges, to temporary duty in any court for which the justice
60 or judge is qualified or to delegate to a chief judge of a
61 judicial circuit the power to assign justices or judges for duty
62 in that circuit.

63 Section 2. This act shall take effect upon becoming a law.