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1                   A bill to be entitled  
2           An act relating to the state judicial system; amending s.  
3           2.01, F.S.; construing application of the common and  
4           statute laws of England to this state; amending s. 25.382,  
5           F.S.; revising a definition; expanding the list of  
6           recipients required to be provided a certain annual report  
7           of the Florida Supreme Court; specifying a required use of  
8           such report; requiring the Supreme Court to develop a plan  
9           for certain civics promotion and judicial branch education  
10          purposes; requiring an annual plan implementation report;  
11          specifying report recipients and uses; requiring the  
12          Supreme Court to submit to certain recipients all final  
13          reports completed by certain committees; specifying uses  
14          of such reports; requiring the Auditor General and the  
15          Office of Program Policy Analysis and Government  
16          Accountability to conduct biennial full audit reviews and  
17          examinations of the state courts system; requiring  
18          reports; specifying recipients of the reports; amending s.  
19          26.012, F.S.; specifying certain additional jurisdiction  
20          of circuit courts; establishing certain divisions within  
21          each judicial circuit for certain purposes; providing for  
22          administration of the divisions; amending s. 43.20, F.S.;  
23          correcting a cross-reference; increasing membership of the  
24          Judicial Qualifications Commission; revising expenses  
25          authorization for the commission; requiring the commission  
26          to hire staff for each commission panel; providing  
27          requirements for staff committees for commission panels;  
28          requiring reports of staff committees; specifying

29 recipients of the reports for certain purposes;  
 30 designating such reports as public records; requiring the  
 31 commission to adopt rules; requiring the Auditor General  
 32 and the Office of Program Policy Analysis and Government  
 33 Accountability to conduct biennial full audit reviews and  
 34 examinations of the commission; requiring reports;  
 35 specifying recipients of the reports; specifying  
 36 application of certain provisions; providing an effective  
 37 date.

38

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

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41 Section 1. Section 2.01, Florida Statutes, is amended to  
 42 read:

43 2.01 Common law and certain statutes declared in force.—

44 (1) The common and statute laws of England which are of a  
 45 general and not a local nature, with the exception hereinafter  
 46 mentioned, down to the 4th day of July, 1776, are declared to be  
 47 of force in this state to the extent such common and statute  
 48 laws are; ~~provided, the said statutes and common law be not~~  
 49 inconsistent with the Constitution and laws of the United States  
 50 and the acts of the Legislature of this state.

51 (2) Notwithstanding subsection (1), provisions including,  
 52 but not limited to, the following are declared to be of force in  
 53 this state:

54 (a) Those clearly expressed, or obviously and reasonably  
 55 implied without clear expression, in the language and wording of  
 56 the acts of the Legislature.

57 (b) Those that provide for rights and claims in tort  
 58 liability for acts committed directly or indirectly involving  
 59 judicial and administrative proceedings. In such cases,  
 60 litigation privilege or judicial, qualified, or absolute  
 61 immunity and similar privileges and immunities are not and may  
 62 not be considered as viable or valid defenses.

63 (c) Those relating to claims for or defenses of abuse of  
 64 process, malicious prosecution, and fraud upon the court, also  
 65 known as extrinsic fraud, that must be strictly enforced. In  
 66 such cases, litigation privilege or judicial, qualified, or  
 67 absolute immunity and similar privileges and immunities are not  
 68 and may not be considered as viable or valid defenses.

69 (d) Those relating to criminal offenses under 18 U.S.C.  
 70 ss. 241 and 242 and claims under 42 U.S.C. ss. 1983, 1985, 1986,  
 71 and 1988, as prescribed by federal statutes and the decisions of  
 72 the federal courts.

73 Section 2. Subsections (1) and (4) of section 25.382,  
 74 Florida Statutes, are amended, and subsections (5), (6), and (7)  
 75 are added to that section, to read:

76 25.382 State courts system.—

77 (1) As used in this section, "state courts system" means  
 78 all officers, employees, and divisions of the Supreme Court,  
 79 district courts of appeal, circuit courts, and county courts,  
 80 also known as the judicial branch of state government.

81 (4) The Supreme Court shall ensure that clearly written  
 82 policies, procedures, and goals for the recruitment, selection,  
 83 promotion, and retention of minorities, including minority  
 84 women, are established throughout all levels of the judicial

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85 system. An annual report ~~shall be submitted to the Chief Justice~~  
86 outlining progress, problems, and corrective actions relating to  
87 the implementation of this plan shall be submitted to the Chief  
88 Justice, the Governor, the President of the Senate, and the  
89 Speaker of the House of Representatives. Three copies of the  
90 report shall be submitted to each legislative substantive and  
91 appropriations committee having jurisdiction over state courts  
92 or judicial matters. The report shall be used for legislative  
93 interim projects.

94 (5) The Supreme Court shall ensure that clearly written  
95 policies, procedures, and goals are developed into a plan for  
96 promoting civics for residents of this state, together with  
97 education concerning the judicial branch in order to develop  
98 trust and confidence in the state's judicial system. An annual  
99 report outlining progress, problems, and corrective actions  
100 relating to the implementation of this plan shall be submitted  
101 to the Chief Justice, the Governor, the Cabinet, the President  
102 of the Senate, and the Speaker of the House of Representatives.  
103 Three copies of the report shall be submitted to each  
104 legislative substantive and appropriations committee having  
105 jurisdiction over state courts or judicial matters. The report  
106 shall be used for legislative interim projects.

107 (6) The Supreme Court shall submit all final reports  
108 completed by assigned court committees, whether by rule or  
109 order, dating from 2000 and thereafter, as follows: one copy  
110 each to the Governor, the Cabinet, the President of the Senate,  
111 and the Speaker of the House of Representatives and three copies  
112 to each legislative substantive and appropriations committee

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113 having jurisdiction over state courts or judicial matters. The  
114 reports may be used for legislative interim projects.

115 (7) Pursuant to ss. 11.45(2)(a), 11.51(1), and 11.513(5),  
116 the Auditor General and the Office of Program Policy Analysis  
117 and Government Accountability shall conduct a full audit review  
118 and examination of the state courts system and prepare a report  
119 containing appropriate recommendations. The audit must be  
120 conducted every 2 years beginning July 1, 2011, in accordance  
121 with the full authority and responsibilities conferred upon the  
122 Auditor General and the Office of Program Policy Analysis and  
123 Government Accountability by general law. The report and  
124 recommendations must be submitted within 1 year after the audit  
125 to the chair and vice chair of the Legislative Budget  
126 Commission, the chair and vice chair of the Legislative Auditing  
127 Committee, the Governor, and the Chief Justice of the Supreme  
128 Court.

129 Section 3. Subsection (1) of section 26.012, Florida  
130 Statutes, is amended, and subsection (6) is added to that  
131 section, to read:

132 26.012 Jurisdiction of circuit court.—

133 (1) Circuit courts shall have jurisdiction of appeals from  
134 county courts except appeals of county court orders or judgments  
135 declaring invalid a state statute or a provision of the State  
136 Constitution and except orders or judgments of a county court  
137 which are certified by the county court to the district court of  
138 appeal to be of great public importance and which are accepted  
139 by the district court of appeal for review. Circuit courts shall  
140 have jurisdiction of interlocutory appeals from orders on

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141 motions to dismiss, for final dismissal, and for summary  
142 judgment rendered in cases in which a circuit court has  
143 exclusive original jurisdiction. Circuit courts shall have  
144 jurisdiction of appeals from final administrative orders of  
145 local government code enforcement boards.

146 (6) The following special divisions of judicial circuits  
147 are created:

148 (a) Unified family courts.—A unified family division is  
149 established in each judicial circuit for the purpose of  
150 consolidating cases and integrating subject matter pertaining to  
151 children and their families who are parties or persons of  
152 interest in proceedings or matters under chapters 39, 61, and  
153 63, s. 68.07, and chapters 88, 741, 742, 743, 984, 985, and  
154 1003. Each judicial circuit shall administer the division as  
155 prescribed by general law or s. 43.30 for the resolution of  
156 disputes involving children and families through a fully  
157 integrated, comprehensive approach that includes coordinated  
158 case management; the concept of "one family, one judge";  
159 collaboration with the community for referral to needed  
160 services; and methods of alternative dispute resolution.

161 (b) Teen courts.—A teen division is established in each  
162 judicial circuit for the purpose of administering teen courts as  
163 provided by s. 938.19. Each judicial circuit shall administer  
164 the division as prescribed by general law or s. 43.30.

165 (c) Drug and mental health courts.—A drug and mental  
166 health division is established in each judicial circuit for the  
167 purpose of administering the programs under ss. 394.656,

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168 394.658, and 397.334. Each judicial circuit shall administer the  
 169 division as prescribed by general law or s. 43.30.

170 Section 4. Subsections (1), (2), and (5) of section 43.20,  
 171 Florida Statutes, are amended, and subsections (6) and (7) are  
 172 added to that section, to read:

173 43.20 Judicial Qualifications Commission.—

174 (1) PURPOSE.—The purpose of this section is to implement  
 175 s. 12 (a) ~~(b)~~, Art. V of the State Constitution which provides for  
 176 a Judicial Qualifications Commission.

177 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15  
 178 ~~13~~ members. The members of the commission shall serve for terms  
 179 of 6 years.

180 (5) EXPENSES.—The compensation of members and their staff  
 181 and referees shall be the travel expense or transportation and  
 182 per diem allowance provided by s. 112.061. Other administrative  
 183 costs and expenses shall be appropriated under the state courts  
 184 system.

185 (6) COMMISSION STAFF.—The commission shall hire separate  
 186 staff for each commission panel, which staff may be compensated  
 187 or may be provided by volunteer services.

188 (a) Staff for each commission panel must consist of at  
 189 least one designated staff committee of five common citizen  
 190 electors to assist and engage in the deliberations for each  
 191 panel of members of the commission in carrying out its powers  
 192 and duties. Such designated staff committee must consist of  
 193 persons who are not considered to be officers of the court. The  
 194 designated staff committee shall prepare a report of suggestions  
 195 or comments.

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196 (b) The designated staff committee shall provide a copy of  
197 the report of its suggestions or comments to:

198 1. The hearing panel upon submission of formal charges by  
199 the commission's investigative panel to assist the hearing panel  
200 in its pending proceedings and final recommendations.

201 2. The Supreme Court, together with the recommendations of  
202 the commission's hearing panel, to assist the Supreme Court in  
203 its final determination.

204 (c) The reports of the suggestions or comments of the  
205 designated staff committee shall be public records and available  
206 upon the final determination of any case rendered by any  
207 commission panel.

208 (d) The commission shall adopt rules to implement this  
209 subsection.

210 (7) COMMISSION ACCOUNTABILITY AND EFFICIENCY.—Pursuant to  
211 ss. 11.45(2) (a), 11.51(1), and 11.513(5), the Auditor General  
212 and the Office of Program Policy Analysis and Government  
213 Accountability shall conduct a full audit review and examination  
214 of the commission and prepare a report containing appropriate  
215 recommendations. The audit must be conducted every 2 years  
216 commencing July 1, 2011, in accordance with the full authority  
217 and responsibilities conferred upon the Auditor General and the  
218 Office of Program Policy Analysis and Government Accountability  
219 by general law. The report and recommendations shall be  
220 submitted within 1 year after the audit to the chair and vice  
221 chair of the Legislative Budget Commission, the chair and vice  
222 chair of the Legislative Auditing Committee, the Governor, and  
223 the Chief Justice of the Supreme Court.



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224           Section 5. The amendment to section 2.01, Florida  
225 Statutes, made by this act applies retroactively and  
226 prospectively.

227           Section 6. This act shall take effect July 1, 2010.