

1 A bill to be entitled
2 An act relating to the judiciary; repealing s. 25.051,
3 F.S., relating to regular terms of the Supreme Court;
4 repealing s. 26.21, F.S., relating to terms of the circuit
5 courts; repealing s. 26.22, F.S., relating to terms of the
6 First Judicial Circuit; repealing s. 26.23, F.S., relating
7 to terms of the Second Judicial Circuit; repealing s.
8 26.24, F.S., relating to terms of the Third Judicial
9 Circuit; repealing s. 26.25, F.S., relating to terms of
10 the Fourth Judicial Circuit; repealing s. 26.26, F.S.,
11 relating to terms of the Fifth Judicial Circuit; repealing
12 s. 26.27, F.S., relating to terms of the Sixth Judicial
13 Circuit; repealing s. 26.28, F.S., relating to terms of
14 the Seventh Judicial Circuit; repealing s. 26.29, F.S.,
15 relating to terms of the Eighth Judicial Circuit;
16 repealing s. 26.30, F.S., relating to terms of the Ninth
17 Judicial Circuit; repealing s. 26.31, F.S., relating to
18 terms of the Tenth Judicial Circuit; repealing s. 26.32,
19 F.S., relating to terms of the Eleventh Judicial Circuit;
20 repealing s. 26.33, F.S., relating to terms of the Twelfth
21 Judicial Circuit; repealing s. 26.34, F.S., relating to
22 terms of the Thirteenth Judicial Circuit; repealing s.
23 26.35, F.S., relating to terms of the Fourteenth Judicial
24 Circuit; repealing s. 26.36, F.S., relating to terms of
25 the Fifteenth Judicial Circuit; repealing s. 26.361, F.S.,
26 relating to terms of the Sixteenth Judicial Circuit;
27 repealing s. 26.362, F.S., relating to terms of the
28 Seventeenth Judicial Circuit; repealing s. 26.363, F.S.,

29 relating to terms of the Eighteenth Judicial Circuit;
30 repealing s. 26.364, F.S., relating to terms of the
31 Nineteenth Judicial Circuit; repealing s. 26.365, F.S.,
32 relating to terms of the Twentieth Judicial Circuit;
33 repealing s. 26.37, F.S., relating to requiring a judge to
34 attend the first day of each term of the circuit court;
35 repealing s. 26.38, F.S., relating to a requirement for a
36 judge to state a reason for nonattendance; repealing s.
37 26.39, F.S., relating to penalty for nonattendance of
38 judge; repealing s. 26.40, F.S., relating to adjournment
39 of the circuit court upon nonattendance of the judge;
40 repealing s. 26.42, F.S., relating to calling all cases on
41 the docket at the end of each term; repealing s. 35.10,
42 F.S., relating to regular terms of the district courts of
43 appeal; repealing s. 35.11, F.S., relating to special
44 terms of the district courts of appeal; repealing s.
45 907.05, F.S., relating to a requirement that criminal
46 trials be heard in the term of court prior to civil cases;
47 repealing s. 907.055, F.S., relating to a requirement that
48 persons in custody be arraigned and tried in the term of
49 court unless good cause is shown; amending ss. 26.46,
50 30.12, and 30.15, F.S.; conforming provisions to changes
51 made by the act; creating s. 43.43, F.S.; allowing the
52 Supreme Court to set terms of court for the Supreme Court,
53 district courts of appeal, and circuit courts; creating s.
54 43.44, F.S.; providing that appellate courts may withdraw
55 a mandate within 120 days after its issuance; amending ss.
56 831.17, 877.08, 903.32, 905.01, 905.09, 905.095, and

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57 914.03, F.S.; conforming provisions to changes made by the
 58 act; providing an effective date.

59
 60 Be It Enacted by the Legislature of the State of Florida:

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 62 Section 1. Sections 25.051, 26.21, 26.22, 26.23, 26.24,
 63 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33,
 64 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365,
 65 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05, and
 66 907.055, Florida Statutes, are repealed.

67 Section 2. Section 26.46, Florida Statutes, is amended to
 68 read:

69 26.46 Jurisdiction of resident judge after assignment.—
 70 When a circuit judge is assigned to another circuit, none of the
 71 circuit judges in such other circuit shall, because of such
 72 assignment, be deprived of or affected in his or her
 73 jurisdiction other than to the extent essential so as not to
 74 conflict with the authority of the temporarily assigned circuit
 75 judge as to the particular case or cases or class of cases, ~~or~~
 76 ~~in presiding at the particular term or part of term named or~~
 77 ~~specified in the assignment.~~

78 Section 3. Section 30.12, Florida Statutes, is amended to
 79 read:

80 30.12 Power to appoint sheriff.—Whenever any sheriff in
 81 the state shall fail to attend, in person or by deputy, ~~any term~~
 82 ~~of~~ the circuit court or county court of the county, from
 83 sickness, death, or other cause, the judge attending said court
 84 may appoint an interim a sheriff, who shall assume all the

85 responsibilities, perform all the duties, and receive the same
 86 compensation as if he or she had been duly appointed sheriff,
 87 for only the ~~said~~ term of nonattendance ~~court~~ and no longer.

88 Section 4. Paragraph (c) of subsection (1) of section
 89 30.15, Florida Statutes, is amended to read:

90 30.15 Powers, duties, and obligations.—

91 (1) Sheriffs, in their respective counties, in person or
 92 by deputy, shall:

93 (c) Attend all sessions ~~terms~~ of the circuit court and
 94 county court held in their counties.

95 Section 5. Section 43.43, Florida Statutes, is created to
 96 read:

97 43.43 Terms of courts.—The Supreme Court may establish
 98 terms of court for the Supreme Court, the district courts of
 99 appeal, and the circuit courts; may provide that district courts
 100 and circuit courts may establish their own terms of court; or
 101 may dispense with terms of court.

102 Section 6. Section 43.44, Florida Statutes, is created to
 103 read:

104 43.44 Mandate of an appeals court.—An appellate court has
 105 the jurisdiction and power, as the circumstances and justice of
 106 the case may require, to reconsider, revise, reform, or modify
 107 its own judgments for the purpose of making the same accord with
 108 law and justice. Accordingly, an appellate court has the power
 109 to recall its own mandate for the purpose of enabling it to
 110 exercise such jurisdiction and power in a proper case. A mandate
 111 may not be recalled more than 120 days after it is filed with
 112 the lower tribunal.

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113 Section 7. Section 831.17, Florida Statutes, is amended to
 114 read:

115 831.17 Violation of s. 831.16; second or subsequent
 116 conviction.—Whoever having been convicted of either of the
 117 offenses mentioned in s. 831.16, is again convicted of either of
 118 the same offenses, committed after the former conviction, ~~and~~
 119 ~~whoever is at the same term of the court convicted upon three~~
 120 ~~distinct charges of said offenses,~~ commits a felony of the
 121 second degree, punishable as provided in s. 775.082, s. 775.083,
 122 or s. 775.084.

123 Section 8. Subsection (4) of section 877.08, Florida
 124 Statutes, is amended to read:

125 877.08 Coin-operated vending machines and parking meters;
 126 defined; prohibited acts, penalties.—

127 (4) Whoever violates ~~the provisions of~~ subsection (3) a
 128 second or subsequent time commits, ~~and is convicted of such~~
 129 ~~second separate offense, either at the same term or a subsequent~~
 130 ~~term of court,~~ shall be guilty of a felony of the third degree,
 131 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

132 Section 9. Subsection (2) of section 903.32, Florida
 133 Statutes, is amended to read:

134 903.32 Defects in bond.—

135 (2) If no day, or an impossible day, is stated in a bond
 136 for the defendant's appearance before a trial court judge for a
 137 hearing or trial, the defendant shall be bound to appear 10 days
 138 after receipt of notice to appear by the defendant, the
 139 defendant's counsel, or any surety on the undertaking. ~~If no~~
 140 ~~day, or an impossible day, is stated in a bond for the~~

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141 ~~defendant's appearance for trial, the defendant shall be bound~~
 142 ~~to appear on the first day of the next term of court that will~~
 143 ~~commence more than 3 days after the undertaking is given.~~

144 Section 10. Subsection (3) of section 905.01, Florida
 145 Statutes, is amended to read:

146 905.01 Number and procurement of grand jury; replacement
 147 of member; term of grand jury.—

148 (3) The chief judge of each ~~any~~ circuit court shall
 149 regularly order ~~may dispense with~~ the convening of the grand
 150 jury for a at any term of 6 months ~~court by filing a written~~
 151 ~~order with the clerk of court directing that a grand jury not be~~
 152 ~~summoned.~~

153 Section 11. Section 905.09, Florida Statutes, is amended
 154 to read:

155 905.09 Discharge and recall of grand jury.—A grand jury
 156 that has been dismissed may be recalled at any time during the
 157 ~~same~~ term of the grand jury ~~court~~.

158 Section 12. Section 905.095, Florida Statutes, is amended
 159 to read:

160 905.095 Extension of grand jury term.—Upon petition of the
 161 state attorney or the foreperson of the grand jury acting on
 162 behalf of a majority of the grand jurors, the circuit court may
 163 extend the term of a grand jury impaneled under this chapter
 164 beyond the term ~~of court~~ in which it was originally impaneled. A
 165 grand jury whose term has been extended as provided herein shall
 166 have the same composition and the same powers and duties it had
 167 during its original term. In the event the term of the grand
 168 jury is extended under this section, it shall be extended for a

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169 | time certain, not to exceed a total of 90 days, and only for the
170 | purpose of concluding one or more specified investigative
171 | matters initiated during its original term.

172 | Section 13. Section 914.03, Florida Statutes, is amended
173 | to read:

174 | 914.03 Attendance of witnesses.—A witness summoned by a
175 | grand jury ~~or in a criminal case~~ shall remain in attendance
176 | until excused by the grand jury. A witness summoned in a
177 | criminal case shall remain in attendance until excused by the
178 | court. A witness who departs without permission of the court
179 | shall be in criminal contempt of court. ~~A witness shall attend~~
180 | ~~each succeeding term of court until the case is terminated.~~

181 | Section 14. This act shall take effect January 1, 2012.