

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 27.04, 30.12, 30.15, 34.13, 35.05, and 38.23, F.S.;  
51 conforming provisions to changes made by the act; creating  
52 s. 43.43, F.S.; allowing the Supreme Court to set terms of  
53 court for the Supreme Court, district courts of appeal,  
54 and circuit courts; creating s. 43.44, F.S.; providing  
55 that appellate courts may withdraw a mandate within 120  
56 days after its issuance; amending ss. 112.19, 206.215,

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57 450.121, 831.10, 831.17, 877.08, 902.19, 903.32, 905.01,  
 58 905.09, 905.095, 914.03, 924.065, and 932.47, F.S.;  
 59 conforming provisions to changes made by the act;  
 60 providing an effective date.

61  
 62 Be It Enacted by the Legislature of the State of Florida:

63  
 64 Section 1. Sections 25.051, 26.21, 26.22, 26.23, 26.24,  
 65 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33,  
 66 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365,  
 67 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05, and  
 68 907.055, Florida Statutes, are repealed.

69 Section 2. Section 26.46, Florida Statutes, is amended to  
 70 read:

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

80 Section 3. Section 27.04, Florida Statutes, is amended to  
 81 read:

82 27.04 Summoning and examining witnesses for state.—The  
 83 state attorney shall have summoned all witnesses required on  
 84 behalf of the state; and he or she is allowed the process of his

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85 or her court to summon witnesses from throughout the state to  
 86 appear before the state attorney ~~in or out of term time~~ at such  
 87 convenient places in the state attorney's judicial circuit and  
 88 at such convenient times as may be designated in the summons, to  
 89 testify before him or her as to any violation of the law upon  
 90 which they may be interrogated, and he or she is empowered to  
 91 administer oaths to all witnesses summoned to testify by the  
 92 process of his or her court or who may voluntarily appear before  
 93 the state attorney to testify as to any violation or violations  
 94 of the law.

95 Section 4. Section 30.12, Florida Statutes, is amended to  
 96 read:

97 30.12 Power to appoint sheriff.—Whenever any sheriff in  
 98 the state shall fail to attend, in person or by deputy, ~~any term~~  
 99 ~~of~~ the circuit court or county court of the county, from  
 100 sickness, death, or other cause, the judge attending said court  
 101 may appoint an interim a sheriff, who shall assume all the  
 102 responsibilities, perform all the duties, and receive the same  
 103 compensation as if he or she had been duly appointed sheriff,  
 104 for only the said term of nonattendance ~~court~~ and no longer.

105 Section 5. Paragraph (c) of subsection (1) of section  
 106 30.15, Florida Statutes, is amended to read:

107 30.15 Powers, duties, and obligations.—

108 (1) Sheriffs, in their respective counties, in person or  
 109 by deputy, shall:

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

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112 Section 6. Subsection (2) of section 34.13, Florida  
 113 Statutes, is amended to read:

114 34.13 Method of prosecution.—

115 (2) Upon the finding of indictments by the grand jury for  
 116 crimes cognizable by the county court, the clerk of the court,  
 117 without any order therefor, shall docket the same on the trial  
 118 docket of the county court ~~on or before the first day of its~~  
 119 ~~next succeeding term.~~

120 Section 7. Subsection (2) of section 35.05, Florida  
 121 Statutes, is amended to read:

122 35.05 Headquarters.—

123 (2) A district court of appeal may designate other  
 124 locations within its district as branch headquarters for the  
 125 conduct of the business of the court ~~in special or regular term~~  
 126 and as the official headquarters of its officers or employees  
 127 pursuant to s. 112.061.

128 Section 8. Section 38.23, Florida Statutes, is amended to  
 129 read:

130 38.23 Contempt ~~Contempts~~ defined.—A refusal to obey any  
 131 legal order, mandate or decree, made or given by any judge  
 132 ~~either in term time or in vacation~~ relative to any of the  
 133 business of said court, after due notice thereof, shall be  
 134 considered a contempt, and punished accordingly. ~~But nothing~~  
 135 ~~said or written, or published, in vacation, to or of any judge,~~  
 136 ~~or of any decision made by a judge, shall in any case be~~  
 137 ~~construed to be a contempt.~~

138 Section 9. Section 43.43, Florida Statutes, is created to  
 139 read:

140           43.43 Terms of courts.—The Supreme Court may establish  
 141 terms of court for the Supreme Court, the district courts of  
 142 appeal, and the circuit courts; may provide that district courts  
 143 and circuit courts may establish their own terms of court; or  
 144 may dispense with terms of court.

145           Section 10. Section 43.44, Florida Statutes, is created to  
 146 read:

147           43.44 Mandate of an appeals court.—An appellate court has  
 148 the jurisdiction and power, as the circumstances and justice of  
 149 the case may require, to reconsider, revise, reform, or modify  
 150 its own judgments for the purpose of making the same accord with  
 151 law and justice. Accordingly, an appellate court has the power  
 152 to recall its own mandate for the purpose of enabling it to  
 153 exercise such jurisdiction and power in a proper case. A mandate  
 154 may not be recalled more than 120 days after it is filed with  
 155 the lower tribunal.

156           Section 11. Paragraph (b) of subsection (1) of section  
 157 112.19, Florida Statutes, is amended to read:

158           112.19 Law enforcement, correctional, and correctional  
 159 probation officers; death benefits.—

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

161           (b) "Law enforcement, correctional, or correctional  
 162 probation officer" means any officer as defined in s. 943.10(14)  
 163 or employee of the state or any political subdivision of the  
 164 state, including any law enforcement officer, correctional  
 165 officer, correctional probation officer, state attorney  
 166 investigator, or public defender investigator, whose duties  
 167 require such officer or employee to investigate, pursue,

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168 | apprehend, arrest, transport, or maintain custody of persons who  
 169 | are charged with, suspected of committing, or convicted of a  
 170 | crime; and the term includes any member of a bomb disposal unit  
 171 | whose primary responsibility is the location, handling, and  
 172 | disposal of explosive devices. The term also includes any full-  
 173 | time officer or employee of the state or any political  
 174 | subdivision of the state, certified pursuant to chapter 943,  
 175 | whose duties require such officer to serve process or to attend  
 176 | session ~~terms~~ of a circuit or county court as bailiff.

177 | Section 12. Subsection (2) of section 206.215, Florida  
 178 | Statutes, is amended to read:

179 | 206.215 Costs and expenses of proceedings.—

180 | (2) The clerks of the courts performing duties under the  
 181 | provisions aforesaid shall receive the same fees as prescribed  
 182 | by the general law for the performance of similar duties, and  
 183 | witnesses attending any investigation pursuant to subpoena shall  
 184 | receive the same mileage and per diem as if attending as a  
 185 | witness before the circuit court ~~in term time~~.

186 | Section 13. Subsection (4) of section 450.121, Florida  
 187 | Statutes, is amended to read:

188 | 450.121 Enforcement of Child Labor Law.—

189 | (4) Grand juries shall have inquisitorial powers to  
 190 | investigate violations of this chapter; also, trial court judges  
 191 | shall specially charge the grand jury, ~~at the beginning of each~~  
 192 | ~~term of the court,~~ to investigate violations of this chapter.

193 | Section 14. Section 831.10, Florida Statutes, is amended  
 194 | to read:

195 | 831.10 Second conviction of uttering forged bills.—

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196 | Whoever, having been convicted of the offense mentioned in s.  
 197 | 831.09 is again convicted of the like offense committed after  
 198 | the former conviction, ~~and whoever is at the same term of the~~  
 199 | ~~court convicted upon three distinct charges of such offense,~~  
 200 | shall be deemed a common utterer of counterfeit bills, and shall  
 201 | be punished as provided in s. 775.084.

202 |       Section 15. Section 831.17, Florida Statutes, is amended  
 203 | to read:

204 |       831.17 Violation of s. 831.16; second or subsequent  
 205 | conviction.—Whoever having been convicted of either of the  
 206 | offenses mentioned in s. 831.16, is again convicted of either of  
 207 | the same offenses, committed after the former conviction, ~~and~~  
 208 | ~~whoever is at the same term of the court convicted upon three~~  
 209 | ~~distinct charges of said offenses,~~ commits a felony of the  
 210 | second degree, punishable as provided in s. 775.082, s. 775.083,  
 211 | or s. 775.084.

212 |       Section 16. Subsection (4) of section 877.08, Florida  
 213 | Statutes, is amended to read:

214 |       877.08 Coin-operated vending machines and parking meters;  
 215 | defined; prohibited acts, penalties.—

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

221 |       Section 17. Subsection (1) of section 902.19, Florida  
 222 | Statutes, is amended to read:

223 |       902.19 When prosecutor liable for costs.—



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224 (1) When a person makes a complaint before a county court  
 225 judge that a crime has been committed and is recognized by the  
 226 county court judge to appear before ~~at the next term of~~ the  
 227 court having jurisdiction to give evidence of the crime and  
 228 fails to appear, the person shall be liable for all costs  
 229 occasioned by his or her complaint, and the county court judge  
 230 may enter ~~obtain~~ a judgment and execution for the costs as in  
 231 other cases.

232 Section 18. Subsection (2) of section 903.32, Florida  
 233 Statutes, is amended to read:

234 903.32 Defects in bond.—

235 (2) If no day, or an impossible day, is stated in a bond  
 236 for the defendant's appearance before a trial court judge for a  
 237 hearing or trial, the defendant shall be bound to appear 10 days  
 238 after receipt of notice to appear by the defendant, the  
 239 defendant's counsel, or any surety on the undertaking. ~~If no~~  
 240 ~~day, or an impossible day, is stated in a bond for the~~  
 241 ~~defendant's appearance for trial, the defendant shall be bound~~  
 242 ~~to appear on the first day of the next term of court that will~~  
 243 ~~commence more than 3 days after the undertaking is given.~~

244 Section 19. Subsection (3) of section 905.01, Florida  
 245 Statutes, is amended to read:

246 905.01 Number and procurement of grand jury; replacement  
 247 of member; term of grand jury.—

248 (3) The chief judge of each ~~any~~ circuit court shall  
 249 regularly order ~~may dispense with~~ the convening of the grand  
 250 jury for a ~~at any~~ term of 6 months ~~court by filing a written~~

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251 ~~order with the clerk of court directing that a grand jury not be~~  
 252 ~~summoned.~~

253 Section 20. Section 905.09, Florida Statutes, is amended  
 254 to read:

255 905.09 Discharge and recall of grand jury.—A grand jury  
 256 that has been dismissed may be recalled at any time during the  
 257 ~~same~~ term of the grand jury court.

258 Section 21. Section 905.095, Florida Statutes, is amended  
 259 to read:

260 905.095 Extension of grand jury term.—Upon petition of the  
 261 state attorney or the foreperson of the grand jury acting on  
 262 behalf of a majority of the grand jurors, the circuit court may  
 263 extend the term of a grand jury impaneled under this chapter  
 264 beyond the term ~~of court~~ in which it was originally impaneled. A  
 265 grand jury whose term has been extended as provided herein shall  
 266 have the same composition and the same powers and duties it had  
 267 during its original term. In the event the term of the grand  
 268 jury is extended under this section, it shall be extended for a  
 269 time certain, not to exceed a total of 90 days, and only for the  
 270 purpose of concluding one or more specified investigative  
 271 matters initiated during its original term.

272 Section 22. Section 914.03, Florida Statutes, is amended  
 273 to read:

274 914.03 Attendance of witnesses.—A witness summoned by a  
 275 grand jury ~~or in a criminal case~~ shall remain in attendance  
 276 until excused by the grand jury. A witness summoned in a  
 277 criminal case shall remain in attendance until excused by the  
 278 court. A witness who departs without permission of the court

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279 shall be in criminal contempt of court. ~~A witness shall attend~~  
280 ~~each succeeding term of court until the case is terminated.~~

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

283 924.065 Denial of motion for new trial or arrest of  
284 judgment; appeal bond; supersedeas.-

285 (2) An appeal shall not be a supersedeas to the execution  
286 of the judgment, sentence, or order until the appellant has  
287 entered into a bond with at least two sureties to secure the  
288 payment of the judgment, fine, and any future costs that may be  
289 adjudged by the appellate court. The bond shall be conditioned  
290 on the appellant's personally answering and abiding by the final  
291 order, sentence, or judgment of the appellate court and, if the  
292 action is remanded, on the appellant's appearing before ~~at the~~  
293 ~~next term of~~ the court in which the case was originally  
294 determined and not departing without leave of court.

295 Section 24. Section 932.47, Florida Statutes, is amended  
296 to read:

297 932.47 Informations filed by prosecuting attorneys.-  
298 Informations may be filed by the prosecuting attorney of the  
299 circuit court with the clerk of the circuit court ~~in vacation or~~  
300 ~~in term~~ without leave of the court first being obtained.

301 Section 25. This act shall take effect January 1, 2012.