

By Senator Simmons

22-00817-11

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1 A bill to be entitled
2 An act relating to communications among the branches
3 of state government; providing a short title; creating
4 ss. 25.079 and 35.079, F.S.; requiring the clerks of
5 the State Supreme Court and district courts of appeal
6 to transmit certain judicial opinions to the Governor,
7 the President of the Senate, and the Speaker of the
8 House of Representatives within a specified time;
9 providing an effective date.

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

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13 Section 1. This act may be cited as the "Communication of
14 Judicial Opinions Act."

15 Section 2. Section 25.079, Florida Statutes, is created to
16 read:

17 25.079 Opinions having certain holdings; communication to
18 Governor and Legislature.-

19 (1) This section is specifically intended to facilitate
20 communication among the three branches of government relating to
21 the interpretation or constitutionality of Florida law. This
22 section is not intended to provide to the legislative or
23 executive branches any powers not granted by the State
24 Constitution.

25 (2) An opinion rendered by the Supreme Court which:

26 (a) Declares a Florida statute, regulation, or governmental
27 practice unconstitutional;

28 (b) Recommends any statutory or regulatory change; or

29 (c) Finds that the meaning of a statute is unclear,

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31 shall be transmitted by the clerk of the Supreme Court to the
32 Governor, the President of the Senate, and the Speaker of the
33 House of Representatives within 30 days after the opinion is
34 published by the court.

35 Section 3. Section 35.079, Florida Statutes, is created to
36 read:

37 35.079 Opinions having certain holdings; communication to
38 Governor and Legislature.—

39 (1) This section is specifically intended to facilitate
40 communication among the three branches of government relating to
41 the interpretation or constitutionality of Florida law. This
42 section is not intended to provide to the legislative or
43 executive branches any powers not granted by the State
44 Constitution.

45 (2) An opinion rendered by a district court of appeal
46 which:

47 (a) Declares a Florida statute, regulation, or governmental
48 practice unconstitutional;

49 (b) Recommends any statutory or regulatory change; or

50 (c) Finds that the meaning of a statute is unclear,

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52 shall be transmitted by the clerk of the district court to the
53 Governor, the President of the Senate, and the Speaker of the
54 House of Representatives within 30 days after the opinion is
55 published by the court.

56 Section 4. This act shall take effect July 1, 2011.