

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

29 | repealing s. 26.362, F.S., relating to terms of the
30 | Seventeenth Judicial Circuit; repealing s. 26.363,
31 | F.S., relating to terms of the Eighteenth Judicial
32 | Circuit; repealing s. 26.364, F.S., relating to terms
33 | of the Nineteenth Judicial Circuit; repealing s.
34 | 26.365, F.S., relating to terms of the Twentieth
35 | Judicial Circuit; repealing s. 26.37, F.S., relating
36 | to requiring a judge to attend the first day of each
37 | term of the circuit court; repealing s. 26.38, F.S.,
38 | relating to a requirement for a judge to state a
39 | reason for nonattendance; repealing s. 26.39, F.S.,
40 | relating to the penalty for nonattendance of the
41 | judge; repealing s. 26.40, F.S., relating to
42 | adjournment of the circuit court upon nonattendance of
43 | the judge; repealing s. 26.42, F.S., relating to
44 | calling all cases on the docket at the end of each
45 | term; repealing s. 35.10, F.S., relating to regular
46 | terms of the district courts of appeal; repealing s.
47 | 35.11, F.S., relating to special terms of the district
48 | courts of appeal; repealing s. 907.05, F.S., relating
49 | to a requirement that criminal trials be heard in the
50 | term of court prior to civil cases; repealing s.
51 | 907.055, F.S., relating to a requirement that persons
52 | in custody be arraigned and tried in the term of court
53 | unless good cause is shown; amending ss. 26.46, 27.04,
54 | 30.12, 30.15, 34.13, 35.05, and 38.23, F.S.;

55 | conforming provisions to changes made by the act;
56 | creating s. 43.43, F.S.; allowing the Supreme Court to

57 | set terms of court for the Supreme Court, district
 58 | courts of appeal, and circuit courts; creating s.
 59 | 43.44, F.S.; providing that appellate courts may
 60 | withdraw a mandate within 120 days after its issuance;
 61 | amending ss. 112.19, 206.215, 450.121, 831.10, 831.17,
 62 | 877.08, 902.19, 903.32, 905.01, 905.09, 905.095,
 63 | 914.03, 924.065, and 932.47, F.S.; conforming
 64 | provisions to changes made by the act; providing an
 65 | effective date.

66 |

67 | Be It Enacted by the Legislature of the State of Florida:

68 |

69 | Section 1. Sections 25.051, 26.21, 26.22, 26.23, 26.24,
 70 | 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33,
 71 | 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365,
 72 | 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05, and
 73 | 907.055, Florida Statutes, are repealed.

74 | Section 2. Section 26.46, Florida Statutes, is amended to
 75 | read:

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

85 Section 3. Section 27.04, Florida Statutes, is amended to
 86 read:

87 27.04 Summoning and examining witnesses for state.—The
 88 state attorney shall have summoned all witnesses required on
 89 behalf of the state; and he or she is allowed the process of his
 90 or her court to summon witnesses from throughout the state to
 91 appear before the state attorney ~~in or out of term time~~ at such
 92 convenient places in the state attorney's judicial circuit and
 93 at such convenient times as may be designated in the summons, to
 94 testify before him or her as to any violation of the law upon
 95 which they may be interrogated, and he or she is empowered to
 96 administer oaths to all witnesses summoned to testify by the
 97 process of his or her court or who may voluntarily appear before
 98 the state attorney to testify as to any violation or violations
 99 of the law.

100 Section 4. Section 30.12, Florida Statutes, is amended to
 101 read:

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

110 Section 5. Paragraph (c) of subsection (1) of section
 111 30.15, Florida Statutes, is amended to read:

112 30.15 Powers, duties, and obligations.—

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113 (1) Sheriffs, in their respective counties, in person or
 114 by deputy, shall:

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

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

119 34.13 Method of prosecution.—

120 (2) Upon the finding of indictments by the grand jury for
 121 crimes cognizable by the county court, the clerk of the court,
 122 without any order therefor, shall docket the same on the trial
 123 docket of the county court ~~on or before the first day of its~~
 124 ~~next succeeding term.~~

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

127 35.05 Headquarters.—

128 (2) A district court of appeal may designate other
 129 locations within its district as branch headquarters for the
 130 conduct of the business of the court ~~in special or regular term~~
 131 and as the official headquarters of its officers or employees
 132 pursuant to s. 112.061.

133 Section 8. Section 38.23, Florida Statutes, is amended to
 134 read:

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

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141 ~~any judge, or of any decision made by a judge, shall in any case~~
 142 ~~be construed to be a contempt.~~

143 Section 9. Section 43.43, Florida Statutes, is created to
 144 read:

145 43.43 Terms of courts.—The Supreme Court may establish
 146 terms of court for the Supreme Court, the district courts of
 147 appeal, and the circuit courts; may authorize district courts of
 148 appeal and circuit courts to establish their own terms of court;
 149 or may dispense with terms of court.

150 Section 10. Section 43.44, Florida Statutes, is created to
 151 read:

152 43.44 Mandate of an appeals court.—An appellate court has
 153 the jurisdiction and power, as the circumstances and justice of
 154 the case may require, to reconsider, revise, reform, or modify
 155 its own opinions and orders for the purpose of making the same
 156 accord with law and justice. Accordingly, an appellate court has
 157 the power to recall its own mandate for the purpose of allowing
 158 it to exercise such jurisdiction and power in a proper case. A
 159 mandate may not be recalled more than 120 days after it has been
 160 issued.

161 Section 11. Paragraph (b) of subsection (1) of section
 162 112.19, Florida Statutes, is amended to read:

163 112.19 Law enforcement, correctional, and correctional
 164 probation officers; death benefits.—

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

166 (b) "Law enforcement, correctional, or correctional
 167 probation officer" means any officer as defined in s. 943.10(14)
 168 or employee of the state or any political subdivision of the

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

182 Section 12. Subsection (2) of section 206.215, Florida
 183 Statutes, is amended to read:

184 206.215 Costs and expenses of proceedings.—

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

191 Section 13. Subsection (4) of section 450.121, Florida
 192 Statutes, is amended to read:

193 450.121 Enforcement of Child Labor Law.—

194 (4) Grand juries ~~shall~~ have inquisitorial powers to
 195 investigate violations of this chapter; also, trial court judges
 196 shall specially charge the grand jury, ~~at the beginning of each~~

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197 ~~term of the court,~~ to investigate violations of this chapter.

198 Section 14. Section 831.10, Florida Statutes, is amended
199 to read:

200 831.10 Second conviction of uttering forged bills.—A
201 person previously ~~Whoever, having been~~ convicted of violating
202 ~~the offense mentioned in s. 831.09~~ who is again convicted of
203 ~~that the like~~ offense committed after the former conviction, and
204 ~~on whoever is at the same term of the court convicted upon~~ three
205 distinct charges of such offense committed within a 6-month
206 period, shall be deemed a common utterer of counterfeit bills,
207 and shall be punished as provided in s. 775.084.

208 Section 15. Section 831.17, Florida Statutes, is amended
209 to read:

210 831.17 Violation of s. 831.16; second or subsequent
211 conviction.—A person previously ~~Whoever having been~~ convicted of
212 violating either of the offenses mentioned in s. 831.16 who, is
213 again convicted of violating that statute ~~either of the same~~
214 ~~offenses,~~ committed after the former conviction on, and ~~whoever~~
215 ~~is at the same term of the court convicted upon~~ three distinct
216 charges of such said offenses committed within a 6-month period,
217 commits a felony of the second degree, punishable as provided in
218 s. 775.082, s. 775.083, or s. 775.084.

219 Section 16. Subsection (4) of section 877.08, Florida
220 Statutes, is amended to read:

221 877.08 Coin-operated vending machines and parking meters;
222 defined; prohibited acts, penalties.—

223 (4) Whoever violates ~~the provisions of~~ subsection (3) a
224 second or subsequent time commits, and ~~is convicted of such~~

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225 ~~second separate offense, either at the same term or a subsequent~~
 226 ~~term of court, shall be guilty of a felony of the third degree,~~
 227 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

228 Section 17. Subsection (1) of section 902.19, Florida
 229 Statutes, is amended to read:

230 902.19 When prosecutor liable for costs.—

231 (1) If ~~When~~ a person makes a complaint before a county
 232 court judge that a crime has been committed and is recognized by
 233 the county court judge to appear before ~~at the next term of the~~
 234 court having jurisdiction to give evidence of the crime and
 235 fails to appear, the person is ~~shall be~~ liable for all costs
 236 occasioned by his or her complaint, and the county court judge
 237 may enter ~~obtain~~ a judgment and execution for the costs as in
 238 other cases.

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

241 903.32 Defects in bond.—

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

251 Section 19. Section 905.01, Florida Statutes, is amended
 252 to read:

253 905.01 Number and procurement of grand jury; replacement
 254 of member; term of grand jury.—

255 (1) The grand jury shall consist of not fewer than 15 nor
 256 more than 21 persons. The provisions of law governing the
 257 qualifications, disqualifications, excusals, drawing, summoning,
 258 supplying deficiencies, compensation, and procurement of petit
 259 jurors apply to grand jurors. In addition, an elected public
 260 official is not eligible for service on a grand jury.

261 (2) The chief judge of any circuit court may provide for
 262 the replacement of any grand juror who, for good cause, is
 263 unable to complete the term of the grand jury. Such replacement
 264 shall be made by appropriate order of the chief judge from the
 265 list of prospective jurors from which the grand juror to be
 266 replaced was selected.

267 (3) The chief judge of each ~~any~~ circuit court shall
 268 regularly order ~~may dispense with~~ the convening of the grand
 269 jury for a ~~at any~~ term of 6 months ~~court by filing a written~~
 270 ~~order with the clerk of court directing that a grand jury not be~~
 271 ~~summoned~~.

272 Section 20. Section 905.09, Florida Statutes, is amended
 273 to read:

274 905.09 Discharge and recall of grand jury.—A grand jury
 275 that has been dismissed may be recalled at any time during the
 276 ~~same~~ term of the grand jury ~~court~~.

277 Section 21. Section 905.095, Florida Statutes, is amended
 278 to read:

279 905.095 Extension of grand jury term.—Upon petition of the
 280 state attorney or the foreperson of the grand jury acting on

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281 | behalf of a majority of the grand jurors, the circuit court may
 282 | extend the term of a grand jury impaneled under this chapter
 283 | beyond the term ~~of court~~ in which it was originally impaneled. A
 284 | grand jury whose term has been extended as provided herein shall
 285 | have the same composition and the same powers and duties it had
 286 | during its original term. If ~~In the event~~ the term of the grand
 287 | jury is extended under this section, it shall be extended for a
 288 | time certain, not to exceed a total of 90 days, and only for the
 289 | purpose of concluding one or more specified investigative
 290 | matters initiated during its original term.

291 | Section 22. Section 914.03, Florida Statutes, is amended
 292 | to read:

293 | 914.03 Attendance of witnesses.—A witness summoned by a
 294 | grand jury ~~or in a criminal case~~ shall remain in attendance
 295 | until excused by the grand jury. A witness summoned in a
 296 | criminal case shall remain in attendance until excused by the
 297 | court. A witness who departs without permission of the court
 298 | shall be in criminal contempt of court. ~~A witness shall attend~~
 299 | ~~each succeeding term of court until the case is terminated.~~

300 | Section 23. Subsection (2) of section 924.065, Florida
 301 | Statutes, is amended to read:

302 | 924.065 Denial of motion for new trial or arrest of
 303 | judgment; appeal bond; supersedeas.—

304 | (2) An appeal may ~~shall~~ not be a supersedeas to the
 305 | execution of the judgment, sentence, or order until the
 306 | appellant has entered into a bond with at least two sureties to
 307 | secure the payment of the judgment, fine, and any future costs
 308 | that may be adjudged by the appellate court. The bond shall be

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309 | conditioned on the appellant's personally answering and abiding
310 | by the final order, sentence, or judgment of the appellate court
311 | and, if the action is remanded, on the appellant's appearing
312 | before ~~at the next term of~~ the court in which the case was
313 | originally determined and not departing without leave of court.

314 | Section 24. Section 932.47, Florida Statutes, is amended
315 | to read:

316 | 932.47 Informations filed by prosecuting attorneys.—
317 | Informations may be filed by the prosecuting attorney of the
318 | circuit court with the clerk of the circuit court ~~in vacation or~~
319 | ~~in term~~ without leave of the court first being obtained.

320 | Section 25. This act shall take effect January 1, 2013.