

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

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

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

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44 | Section 1. Section 2.01, Florida Statutes, is amended to
 45 | read:

46 | 2.01 Common law and certain statutes declared in force.—

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

54 | (2) Notwithstanding subsection (1), provisions including,
 55 | but not limited to, the following are declared to be of force in
 56 | this state:

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57 (a) Those clearly expressed, or obviously and reasonably
58 implied without clear expression, in the language and wording of
59 the acts of the Legislature.

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

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

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

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

79 25.382 State courts system.—

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

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84 (4) The Supreme Court shall ensure that clearly written
85 policies, procedures, and goals for the recruitment, selection,
86 promotion, and retention of minorities, including minority
87 women, are established throughout all levels of the judicial
88 system. An annual report ~~shall be submitted to the Chief Justice~~
89 outlining progress, problems, and corrective actions relating to
90 the implementation of this plan shall be submitted to the Chief
91 Justice of the Supreme Court, the Governor, the President of the
92 Senate, and the Speaker of the House of Representatives. Three
93 copies of the report shall be submitted to each legislative
94 substantive and appropriations committee having jurisdiction
95 over state courts or judicial matters. The report shall be used
96 for legislative interim projects.

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

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111 (6) The Supreme Court shall submit all final reports
112 completed by assigned court committees, whether by rule or
113 order, dating from 2000 and thereafter, as follows: one copy
114 each to the Governor, members of the Cabinet, the President of
115 the Senate, and the Speaker of the House of Representatives and
116 three copies to each legislative substantive and appropriations
117 committee having jurisdiction over state courts or judicial
118 matters. The reports may be used for legislative interim
119 projects.

120 (7) Pursuant to ss. 11.45(2)(a) and 11.51(1), the Auditor
121 General and the Office of Program Policy Analysis and Government
122 Accountability shall conduct a full audit review and examination
123 of the state courts system and prepare a report containing
124 appropriate recommendations. The audit must be conducted every 2
125 years beginning July 1, 2014, in accordance with the full
126 authority and responsibilities conferred upon the Auditor
127 General and the Office of Program Policy Analysis and Government
128 Accountability by general law. The report and recommendations
129 must be submitted within 1 year after the audit to the chair and
130 vice chair of the Legislative Budget Commission, the chair and
131 vice chair of the Legislative Auditing Committee, the Governor,
132 and the Chief Justice of the Supreme Court.

133 Section 3. Subsection (1) of section 26.012, Florida
134 Statutes, is amended, and subsection (6) is added to that
135 section, to read:

136 26.012 Jurisdiction of circuit court.—

137 (1) Circuit courts shall have jurisdiction of appeals from
138 county courts except appeals of county court orders or judgments

139 | declaring invalid a state statute or a provision of the State
 140 | Constitution and except orders or judgments of a county court
 141 | which are certified by the county court to the district court of
 142 | appeal to be of great public importance and which are accepted
 143 | by the district court of appeal for review. Circuit courts shall
 144 | have jurisdiction of interlocutory appeals from orders on
 145 | motions to dismiss, for final dismissal, and for summary
 146 | judgment rendered in cases in which a circuit court has
 147 | exclusive original jurisdiction. Circuit courts shall have
 148 | jurisdiction of appeals from final administrative orders of
 149 | local government code enforcement boards.

150 | (6) The following special divisions of judicial circuits
 151 | are created:

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

165 | (b) Teen courts.—A teen division is established in each
 166 | judicial circuit for the purpose of administering teen courts as

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167 provided by s. 938.19. Each judicial circuit shall administer
168 the division as prescribed by general law or s. 43.30.

169 (c) Drug and mental health courts.—A drug and mental
170 health division is established in each judicial circuit for the
171 purpose of administering the programs under ss. 394.656,
172 394.658, and 397.334. Each judicial circuit shall administer the
173 division as prescribed by general law or s. 43.30.

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

177 43.20 Judicial Qualifications Commission.—

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

181 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15
182 ~~13~~ members. The members of the commission shall serve for terms
183 of 6 years.

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

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

192 (a) Staff for each commission panel must consist of at
193 least one designated staff committee of five common citizen
194 electors to assist and engage in the deliberations for each

195 panel of members of the commission in carrying out its powers
 196 and duties. Such designated staff committee must consist of
 197 persons who are not considered to be officers of the court. The
 198 designated staff committee shall prepare a report of suggestions
 199 or comments.

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

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

205 2. The Supreme Court, together with the recommendations of
 206 the commission's hearing panel, to assist the Supreme Court in
 207 its final determination.

208 (c) The reports of the suggestions or comments of the
 209 designated staff committee shall be public records and available
 210 upon the final determination of any case rendered by any
 211 commission panel.

212 (d) The commission shall adopt rules to implement this
 213 subsection.

214 (7) COMMISSION ACCOUNTABILITY AND EFFICIENCY.—Pursuant to
 215 ss. 11.45(2) (a) and 11.51(1), the Auditor General and the Office
 216 of Program Policy Analysis and Government Accountability shall
 217 conduct a full audit review and examination of the commission
 218 and prepare a report containing appropriate recommendations. The
 219 audit must be conducted every 2 years commencing July 1, 2014,
 220 in accordance with the full authority and responsibilities
 221 conferred upon the Auditor General and the Office of Program
 222 Policy Analysis and Government Accountability by general law.

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223 The report and recommendations shall be submitted within 1 year
224 after the audit to the chair and vice chair of the Legislative
225 Budget Commission, the chair and vice chair of the Legislative
226 Auditing Committee, the Governor, and the Chief Justice of the
227 Supreme Court.

228 Section 5. The amendment to section 2.01, Florida
229 Statutes, made by this act applies retroactively and
230 prospectively.

231 Section 6. This act shall take effect July 1, 2013.