

1 A bill to be entitled

2 An act relating to the court system; repealing s.
3 25.151, F.S., relating to a prohibition on the
4 practice of law by a retired justice of the Supreme
5 Court; repealing ss. 25.191 and 25.231, F.S., relating
6 to the appointment and duties of a Clerk of the
7 Supreme Court; amending s. 25.241, F.S.; deleting a
8 requirement regarding the salary of the Clerk of the
9 Supreme Court, to conform; repealing s. 25.281, F.S.,
10 relating to compensation of the Marshal of the Supreme
11 Court; repealing s. 25.351, F.S., relating to the
12 acquisition of books by the Supreme Court; repealing
13 s. 26.01, F.S., relating to the number of judicial
14 circuits; amending s. 26.021, F.S.; establishing the
15 number of judicial circuits; repealing certain
16 residency requirements for circuit judges; repealing
17 s. 26.51, F.S., relating to payment of the salaries of
18 circuit judges; amending s. 26.55, F.S.; excluding
19 retired judges practicing law from the Conference of
20 Circuit Judges of Florida; removing a requirement that
21 circuit court judges attend and participate in such
22 conference; requiring that the conference operate
23 according to the Rules of Judicial Administration;
24 revising requirements for such conferences; repealing
25 s. 27.55, F.S., relating to compensation and certain
26 expenditures of public defenders; creating s. 29.23,

27 F.S.; providing for certain judicial branch salaries;
 28 repealing ss. 35.12, 35.13, 35.19, and 35.21, F.S.;
 29 relating to the chief judge, quorum, compensation of
 30 judges, and clerk, respectively, of the district
 31 courts of appeal; amending s. 35.22, F.S.; deleting a
 32 requirement for the appointment and salary of a clerk
 33 for each district court of appeal; repealing ss. 35.25
 34 and 35.27, F.S., relating to duties of the clerk and
 35 compensation of the marshal, respectively, of the
 36 district courts of appeal; repealing s. 38.13, F.S.,
 37 relating to replacement of disqualified judges of the
 38 district courts of appeal; amending s. 43.20, F.S.;
 39 revising the number of members of the Judicial
 40 Qualifications Commission, to conform to requirements
 41 of the State Constitution; repealing s. 57.101, F.S.,
 42 relating to the charging of costs against the losing
 43 party for certain copies of records in the Supreme
 44 Court; repealing s. 92.15, F.S., relating to an
 45 evidentiary rule regarding evidence of title to land
 46 passing from the United States; providing an effective
 47 date.

48
 49 Be It Enacted by the Legislature of the State of Florida:

- 50
 51 Section 1. Section 25.151, Florida Statutes, is repealed.
 52 Section 2. Sections 25.191 and 25.231, Florida Statutes,

53 are repealed.

54 Section 3. Subsection (1) of section 25.241, Florida
55 Statutes, is amended to read:

56 25.241 Clerk of Supreme Court; compensation; assistants;
57 filing fees, etc.—

58 ~~(1) The Clerk of the Supreme Court shall be paid an annual~~
59 ~~salary to be determined in accordance with s. 25.382.~~

60 Section 4. Section 25.281, Florida Statutes, is repealed.

61 Section 5. Section 25.351, Florida Statutes, is repealed.

62 Section 6. Section 26.01, Florida Statutes, is repealed.

63 Section 7. Section 26.021, Florida Statutes, is amended to
64 read:

65 26.021 Judicial circuits; judges.—The state is divided
66 into 20 judicial circuits:

67 (1) The first circuit is composed of Escambia, Okaloosa,
68 Santa Rosa, and Walton Counties.

69 (2) The second circuit is composed of Franklin ~~Leon~~,
70 Gadsden, Jefferson, Leon, Liberty, and Wakulla, ~~Liberty, and~~
71 ~~Franklin~~ Counties.

72 (3) The third circuit is composed of Columbia, Dixie,
73 Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties.

74 (4) The fourth circuit is composed of Clay, Duval, and
75 Nassau Counties.

76 (5) The fifth circuit is composed of Citrus, Hernando,
77 Lake, Marion, and Sumter Counties. ~~Two of the circuit judges~~
78 ~~authorized for the fifth circuit shall reside in either Citrus,~~

79 ~~Hernando, or Sumter County, and neither of such two judges shall~~
 80 ~~reside in the same county.~~

81 (6) The sixth circuit is composed of Pasco and Pinellas
 82 Counties.

83 (7) The seventh circuit is composed of Flagler, Putnam,
 84 St. Johns, and Volusia Counties. ~~One judge shall reside in~~
 85 ~~Flagler County; two judges shall reside in Putnam County; two~~
 86 ~~judges shall reside in St. Johns County; and three judges shall~~
 87 ~~reside in Volusia County. There shall be no residency~~
 88 ~~requirement for any other judges in the circuit.~~

89 (8) The eighth circuit is composed of Alachua, Baker,
 90 Bradford, Gilchrist, Levy, and Union Counties.

91 (9) The ninth circuit is composed of Orange and Osceola
 92 Counties.

93 (10) The tenth circuit is composed of Hardee, Highlands,
 94 and Polk Counties.

95 (11) The eleventh circuit is composed of Miami-Dade
 96 County.

97 (12) The twelfth circuit is composed of DeSoto, Manatee,
 98 and Sarasota, ~~and DeSoto~~ Counties.

99 (13) The thirteenth circuit is composed of Hillsborough
 100 County.

101 (14) The fourteenth circuit is composed of Bay, Calhoun,
 102 Gulf, Holmes, Jackson, and Washington Counties.

103 (15) The fifteenth circuit is composed of Palm Beach
 104 County.

105 (16) The sixteenth circuit is composed of Monroe County.
 106 ~~One judge in the circuit shall reside in the middle or upper~~
 107 ~~Keys. There shall be no residency requirement for any other~~
 108 ~~judge in the circuit.~~

109 (17) The seventeenth circuit is composed of Broward
 110 County.

111 (18) The eighteenth circuit is composed of Brevard and
 112 Seminole Counties.

113 (19) The nineteenth circuit is composed of Indian River,
 114 Martin, Okeechobee, and St. Lucie Counties.

115 (20) The twentieth circuit is composed of Charlotte,
 116 Collier, Glades, Hendry, and Lee Counties.

117 (21) Notwithstanding subsections (1)-(20), the territorial
 118 jurisdiction of a circuit court may be expanded as provided for
 119 in s. 910.03(3).
 120

121 The judicial nominating commission of each circuit, in
 122 submitting nominations for any vacancy in a judgeship, and the
 123 Governor, in filling any vacancy for a judgeship, shall consider
 124 whether the existing judges within the circuit, together with
 125 potential nominees or appointees, reflect the geographic
 126 distribution of the population within the circuit, the
 127 geographic distribution of the caseload within the circuit, the
 128 racial and ethnic diversity of the population within the
 129 circuit, and the geographic distribution of the racial and
 130 ethnic minority population within the circuit.

131 Section 8. Section 26.51, Florida Statutes, is repealed.

132 Section 9. Section 26.55, Florida Statutes, is amended to
 133 read:

134 26.55 Conference of Circuit Judges of Florida; duties and
 135 reports.—

136 (1) There is created and established the Conference of
 137 Circuit Judges of Florida. The conference consists ~~shall consist~~
 138 of the active and retired circuit judges of the several judicial
 139 circuits of the state, excluding retired judges practicing law.

140 (2) The conference shall annually elect a chair. The
 141 chair, ~~whose duty it shall be to~~ call all meetings and ~~to~~
 142 appoint committees to effectuate the purposes of the conference.
 143 ~~It is declared to be an official function of each circuit judge~~
 144 ~~to attend the meetings of the conference. It is also an official~~
 145 ~~function of each circuit judge to participate in the activity of~~
 146 ~~each committee to the membership of which such judge is~~
 147 ~~appointed.~~

148 (3) ~~(a) It is declared to be the responsibility of The~~
 149 ~~conference~~ shall operate according to the Rules of Judicial
 150 Administration adopted by the Supreme Court. The
 151 responsibilities of the conference include ~~to~~:

152 (a)1. Considering and making ~~Consider and make~~
 153 recommendations concerning the betterment of the judicial system
 154 of the state and its various parts;

155 (b)2. Considering and making ~~Consider and make~~
 156 recommendations concerning the improvement of rules and methods

157 of procedure and practice in the several courts; ~~and~~
 158 (c)3. Reporting Report to the Supreme Court its such
 159 findings and recommendations under this subsection; ~~and as the~~
 160 ~~conference may have with reference thereto.~~

161 ~~(d)(b) Providing Not less than 60 days before the~~
 162 ~~convening of the regular session of the Legislature~~ with, the
 163 ~~chair of the conference shall report to the President of the~~
 164 ~~Senate and the Speaker of the House~~ such recommendations as the
 165 conference may have concerning defects in the laws of this state
 166 and such amendments or additional legislation as the conference
 167 may deem necessary regarding the administration of justice.

168 Section 10. Section 27.55, Florida Statutes, is repealed.

169 Section 11. Section 29.23, Florida Statutes, is created to
 170 read:

171 29.23 Salaries of certain positions in the judicial
 172 branch.-

173 (1) The salaries of justices, judges of the district
 174 courts of appeal, circuit judges, and county judges shall be
 175 fixed annually in the General Appropriations Act.

176 (2) The clerk and the marshal of the Supreme Court, and
 177 the clerk and the marshal of a district court of appeal, shall
 178 be paid an annual salary to be determined in accordance with s.
 179 25.382(3).

180 Section 12. Sections 35.12, 35.13, 35.19, and 35.21,
 181 Florida Statutes, are repealed.

182 Section 13. Section 35.22, Florida Statutes, is amended to

183 read:

184 35.22 Clerk of district court; ~~appointment~~; compensation;
185 assistants; filing fees; teleconferencing.—

186 ~~(1) Each district court of appeal shall appoint a clerk~~
187 ~~who shall be paid an annual salary to be determined in~~
188 ~~accordance with s. 25.382.~~

189 (1) ~~(2)~~ The clerk may ~~is authorized to~~ employ ~~such~~ deputies
190 and clerical assistants as may be necessary. Their number and
191 compensation shall be approved by the court, and paid from the
192 annual appropriation for the district courts of appeal.

193 (2) (a) ~~(3) (a)~~ The clerk, upon the filing of a certified
194 copy of a notice of appeal or petition, shall charge and collect
195 a filing fee of \$300 for each case docketed, and service charges
196 as provided in s. 28.24 for copying, certifying or furnishing
197 opinions, records, papers or other instruments and for other
198 services. The state ~~of Florida~~ or its agencies, when appearing
199 as appellant or petitioner, is exempt from the filing fee
200 required in this subsection. ~~From each attorney appearance pro~~
201 ~~hac vice,~~ The clerk shall collect from each attorney appearance
202 pro hac vice a fee of \$100 for deposit as provided in this
203 section.

204 (b) Upon the filing of a notice of cross-appeal, or a
205 notice of joinder or motion to intervene as an appellant, cross-
206 appellant, or petitioner, the clerk shall charge and collect a
207 filing fee of \$295. The clerk shall remit the fee to the
208 Department of Revenue for deposit into the General Revenue Fund.

209 The state and its agencies are exempt from the filing fee
 210 required by this paragraph.

211 (3)~~(4)~~ The opinions of the district court of appeal may
 212 ~~shall~~ not be recorded, but the original as filed shall be
 213 preserved with the record in each case.

214 (4)~~(5)~~ The clerk may ~~is authorized~~ immediately, after a
 215 case is disposed of, ~~to~~ supply the judge who tried the case and
 216 from whose order, judgment, or decree, appeal, or other review
 217 is taken, a copy of all opinions, orders, or judgments filed in
 218 such case. Copies of opinions, orders, and decrees shall be
 219 furnished in all cases to each attorney of record and for
 220 publication in Florida reports to the authorized publisher
 221 without charge, and copies furnished to other law book
 222 publishers at one-half the regular statutory fee.

223 (5)~~(6)~~ The clerk of each district court of appeal shall ~~is~~
 224 ~~required to~~ deposit all fees collected in the State Treasury to
 225 the credit of the General Revenue Fund, except that \$50 of each
 226 \$300 filing fee collected shall be deposited into the State
 227 Courts Revenue Trust Fund to fund court operations as authorized
 228 in the General Appropriations Act. The clerk shall retain an
 229 accounting of each such remittance.

230 (6)~~(7)~~ The clerk of the district court of appeal may ~~is~~
 231 ~~authorized to~~ collect a fee from the parties to an appeal
 232 reflecting the actual cost of conducting the proceeding through
 233 teleconferencing if ~~where~~ the parties have requested that an
 234 oral argument or mediation be conducted through

235 teleconferencing. The fee collected for this purpose shall be
236 used to offset the expenses associated with scheduling the
237 teleconference and shall be deposited in the State Courts
238 Revenue Trust Fund.

239 Section 14. Sections 35.25 and 35.27, Florida Statutes,
240 are repealed.

241 Section 15. Section 38.13, Florida Statutes, is repealed.

242 Section 16. Subsection (2) of section 43.20, Florida
243 Statutes, is amended to read:

244 43.20 Judicial Qualifications Commission.—

245 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15
246 ~~13~~ members. The members of the commission shall serve for terms
247 of 6 years.

248 Section 17. Section 57.101, Florida Statutes, is repealed.

249 Section 18. Section 92.15, Florida Statutes, is repealed.

250 Section 19. This act shall take effect July 1, 2014.