

By the Committee on Judiciary; and Senator Bradley

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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.; specifying 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

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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:

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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~~

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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 into
66 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, St.
84 Johns, and Volusia Counties. ~~One judge shall reside in Flagler~~
85 ~~County; two judges shall reside in Putnam County; two judges~~
86 ~~shall reside in St. Johns County; and three judges shall reside~~
87 ~~in Volusia County. There shall be no residency requirement for~~

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88 ~~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 County.

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

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

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

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

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

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

109 (18) The eighteenth circuit is composed of Brevard and
110 Seminole Counties.

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

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

115 (21) Notwithstanding subsections (1)-(20), the territorial
116 jurisdiction of a circuit court may be expanded as provided for

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117 in s. 910.03(3).

118
119 The judicial nominating commission of each circuit, in
120 submitting nominations for any vacancy in a judgeship, and the
121 Governor, in filling any vacancy for a judgeship, shall consider
122 whether the existing judges within the circuit, together with
123 potential nominees or appointees, reflect the geographic
124 distribution of the population within the circuit, the
125 geographic distribution of the caseload within the circuit, the
126 racial and ethnic diversity of the population within the
127 circuit, and the geographic distribution of the racial and
128 ethnic minority population within the circuit.

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

130 Section 9. Section 26.55, Florida Statutes, is amended to
131 read:

132 26.55 Conference of Circuit Judges of Florida; duties and
133 reports.—

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

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

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

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

153 ~~(b)2. Considering and making Consider and make~~
 154 recommendations concerning the improvement of rules and methods
 155 of procedure and practice in the several courts; ~~and~~

156 ~~(c)3. Reporting Report to the Supreme Court its such~~
 157 findings and recommendations under this subsection; and as the
 158 ~~conference may have with reference thereto.~~

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

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

167 Section 11. Section 29.23, Florida Statutes, is created to
 168 read:

169 29.23 Salaries of certain positions in the judicial
 170 branch.—

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

174 (2) The clerk and the marshal of the Supreme Court, or a

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175 clerk or marshal of a district court of appeal, shall be paid an
176 annual salary to be determined in accordance with s. 25.382(3).

177 Section 12. Sections 35.12, 35.13, 35.19, and 35.21,
178 Florida Statutes, are repealed.

179 Section 13. Subsection (1) of section 35.22, Florida
180 Statutes, is amended to read:

181 35.22 Clerk of district court; ~~appointment;~~ compensation;
182 assistants; filing fees; teleconferencing.-

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

186 (1)~~(2)~~ The clerk may ~~is authorized to~~ employ such deputies
187 and clerical assistants as may be necessary. Their number and
188 compensation shall be approved by the court, and paid from the
189 annual appropriation for the district courts of appeal.

190 (2)~~(3)~~(a) The clerk, upon the filing of a certified copy of
191 a notice of appeal or petition, shall charge and collect a
192 filing fee of \$300 for each case docketed, and service charges
193 as provided in s. 28.24 for copying, certifying or furnishing
194 opinions, records, papers or other instruments and for other
195 services. The state ~~of Florida~~ or its agencies, when appearing
196 as appellant or petitioner, is exempt from the filing fee
197 required in this subsection. ~~From each attorney appearance pro~~
198 ~~hac vice,~~ The clerk shall collect from each attorney appearance
199 pro hac vice a fee of \$100 for deposit as provided in this
200 section.

201 (b) Upon the filing of a notice of cross-appeal, or a
202 notice of joinder or motion to intervene as an appellant, cross-
203 appellant, or petitioner, the clerk shall charge and collect a

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204 filing fee of \$295. The clerk shall remit the fee to the
205 Department of Revenue for deposit into the General Revenue Fund.
206 The state and its agencies are exempt from the filing fee
207 required by this paragraph.

208 (3)~~(4)~~ The opinions of the district court of appeal may
209 ~~shall~~ not be recorded, but the original as filed shall be
210 preserved with the record in each case.

211 (4)~~(5)~~ The clerk may ~~is authorized~~ immediately, after a
212 case is disposed of, ~~to~~ supply the judge who tried the case and
213 from whose order, judgment, or decree, appeal or other review is
214 taken, a copy of all opinions, orders, or judgments filed in
215 such case. Copies of opinions, orders, and decrees shall be
216 furnished in all cases to each attorney of record and for
217 publication in Florida reports to the authorized publisher
218 without charge, and copies furnished to other law book
219 publishers at one-half the regular statutory fee.

220 (5)~~(6)~~ The clerk of each district court of appeal shall ~~is~~
221 ~~required to~~ deposit all fees collected in the State Treasury to
222 the credit of the General Revenue Fund, except that \$50 of each
223 \$300 filing fee collected shall be deposited into the State
224 Courts Revenue Trust Fund to fund court operations as authorized
225 in the General Appropriations Act. The clerk shall retain an
226 accounting of each such remittance.

227 (6)~~(7)~~ The clerk of the district court of appeal may ~~is~~
228 ~~authorized to~~ collect a fee from the parties to an appeal
229 reflecting the actual cost of conducting the proceeding through
230 teleconferencing if ~~where~~ the parties have requested that an
231 oral argument or mediation be conducted through
232 teleconferencing. The fee collected for this purpose shall be

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233 used to offset the expenses associated with scheduling the
234 teleconference and shall be deposited in the State Courts
235 Revenue Trust Fund.

236 Section 14. Sections 35.25 and 35.27, Florida Statutes, are
237 repealed.

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

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

241 43.20 Judicial Qualifications Commission.—

242 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15
243 ~~13~~ members. The members of the commission shall serve for terms
244 of 6 years.

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

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

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