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1
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; amending s. 56.29, F.S.;
42 authorizing the court to order any property, debt, or
43 other obligation due the judgment debtor to be applied
44 toward the satisfaction of the judgment debt;
45 authorizing the court to entertain specified claims
46 concerning the judgment debtor's assets and enter any
47 order or judgment, including a money judgment;
48 authorizing the court to enter a money judgment
49 against an impleaded defendant under certain
50 circumstances; providing applicability of specified
51 laws and procedures; providing for retroactivity;
52 repealing s. 57.101, F.S., relating to the charging of
53 costs against the losing party for certain copies of
54 records in the Supreme Court; repealing s. 92.15,
55 F.S., relating to an evidentiary rule regarding
56 evidence of title to land passing from the United
57 States; providing an effective date.
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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. Section 25.151, Florida Statutes, is repealed.

62 Section 2. Sections 25.191 and 25.231, Florida Statutes,
63 are repealed.

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

66 25.241 Clerk of Supreme Court; compensation; assistants;
67 filing fees, etc.—

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

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 Section 25.281, Florida Statutes, is repealed.

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 Section 25.351, Florida Statutes, is repealed.

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 Section 26.01, Florida Statutes, is repealed.

73 Section 7. Section 26.021, Florida Statutes, is amended to
74 read:

75 26.021 Judicial circuits; judges.—The state is divided into
76 20 judicial circuits:

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

79 (2) The second circuit is composed of Franklin Leon,
80 Gadsden, Jefferson, Leon, Liberty, and Wakulla, ~~Liberty, and~~
81 ~~Franklin~~ Counties.

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

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

86 (5) The fifth circuit is composed of Citrus, Hernando,
87 Lake, Marion, and Sumter Counties. ~~Two of the circuit judges~~

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88 ~~authorized for the fifth circuit shall reside in either Citrus,~~
89 ~~Hernando, or Sumter County, and neither of such two judges shall~~
90 ~~reside in the same county.~~

91 (6) The sixth circuit is composed of Pasco and Pinellas
92 Counties.

93 (7) The seventh circuit is composed of Flagler, Putnam, St.
94 Johns, and Volusia Counties. ~~One judge shall reside in Flagler~~
95 ~~County; two judges shall reside in Putnam County; two judges~~
96 ~~shall reside in St. Johns County; and three judges shall reside~~
97 ~~in Volusia County. There shall be no residency requirement for~~
98 ~~any other judges in the circuit.~~

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

101 (9) The ninth circuit is composed of Orange and Osceola
102 Counties.

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

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

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

108 (13) The thirteenth circuit is composed of Hillsborough
109 County.

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

112 (15) The fifteenth circuit is composed of Palm Beach
113 County.

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

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117 ~~judge in the circuit.~~

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

119 (18) The eighteenth circuit is composed of Brevard and
120 Seminole Counties.

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

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

125 (21) Notwithstanding subsections (1)-(20), the territorial
126 jurisdiction of a circuit court may be expanded as provided for
127 in s. 910.03(3).

128

129 The judicial nominating commission of each circuit, in
130 submitting nominations for any vacancy in a judgeship, and the
131 Governor, in filling any vacancy for a judgeship, shall consider
132 whether the existing judges within the circuit, together with
133 potential nominees or appointees, reflect the geographic
134 distribution of the population within the circuit, the
135 geographic distribution of the caseload within the circuit, the
136 racial and ethnic diversity of the population within the
137 circuit, and the geographic distribution of the racial and
138 ethnic minority population within the circuit.

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

140 Section 9. Section 26.55, Florida Statutes, is amended to
141 read:

142 26.55 Conference of Circuit Judges of Florida; duties and
143 reports.—

144 (1) There is created and established the Conference of
145 Circuit Judges of Florida. The conference consists ~~shall consist~~

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146 of the active and retired circuit judges of the several judicial
147 circuits of the state, excluding retired judges practicing law.

148 (2) The conference shall annually elect a chair. The chair,
149 ~~whose duty it shall be to~~ call all meetings and ~~to~~ appoint
150 committees to effectuate the purposes of the conference. ~~It is~~
151 ~~declared to be an official function of each circuit judge to~~
152 ~~attend the meetings of the conference. It is also an official~~
153 ~~function of each circuit judge to participate in the activity of~~
154 ~~each committee to the membership of which such judge is~~
155 ~~appointed.~~

156 (3) ~~(a) It is declared to be the responsibility of The~~
157 ~~conference~~ shall operate according to the Rules of Judicial
158 Administration adopted by the Supreme Court. The
159 responsibilities of the conference include to:

160 (a)1. Considering and making ~~Consider and make~~
161 recommendations concerning the betterment of the judicial system
162 of the state and its various parts;

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

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

169 (d) (b) Providing ~~Not less than 60 days before the convening~~
170 ~~of the regular session of the Legislature~~ with, ~~the chair of the~~
171 ~~conference shall report to the President of the Senate and the~~
172 ~~Speaker of the House~~ such recommendations as the conference may
173 have concerning defects in the laws of this state and such
174 amendments or additional legislation as the conference may deem

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175 necessary regarding the administration of justice.

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

177 Section 11. Section 29.23, Florida Statutes, is created to
178 read:

179 29.23 Salaries of certain positions in the judicial
180 branch.-

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

184 (2) The clerk and the marshal of the Supreme Court, or a
185 clerk or marshal of a district court of appeal, shall be paid an
186 annual salary to be determined in accordance with s. 25.382(3).

187 Section 12. Sections 35.12, 35.13, 35.19, and 35.21,
188 Florida Statutes, are repealed.

189 Section 13. Section 35.22, Florida Statutes, is amended to
190 read:

191 35.22 Clerk of district court; ~~appointment;~~ compensation;
192 assistants; filing fees; teleconferencing.-

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

196 (1)~~(2)~~ The clerk may ~~is authorized to~~ employ such deputies
197 and clerical assistants as may be necessary. Their number and
198 compensation shall be approved by the court, and paid from the
199 annual appropriation for the district courts of appeal.

200 (2)~~(3)~~(a) The clerk, upon the filing of a certified copy of
201 a notice of appeal or petition, shall charge and collect a
202 filing fee of \$300 for each case docketed, and service charges
203 as provided in s. 28.24 for copying, certifying or furnishing

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204 opinions, records, papers or other instruments and for other
205 services. The state ~~of Florida~~ or its agencies, when appearing
206 as appellant or petitioner, is exempt from the filing fee
207 required in this subsection. ~~From each attorney appearance pro~~
208 ~~hac vice,~~ The clerk shall collect from each attorney appearance
209 pro hac vice a fee of \$100 for deposit as provided in this
210 section.

211 (b) Upon the filing of a notice of cross-appeal, or a
212 notice of joinder or motion to intervene as an appellant, cross-
213 appellant, or petitioner, the clerk shall charge and collect a
214 filing fee of \$295. The clerk shall remit the fee to the
215 Department of Revenue for deposit into the General Revenue Fund.
216 The state and its agencies are exempt from the filing fee
217 required by this paragraph.

218 (3)~~(4)~~ The opinions of the district court of appeal may
219 ~~shall~~ not be recorded, but the original as filed shall be
220 preserved with the record in each case.

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

230 (5)~~(6)~~ The clerk of each district court of appeal shall ~~is~~
231 ~~required to~~ deposit all fees collected in the State Treasury to
232 the credit of the General Revenue Fund, except that \$50 of each

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233 \$300 filing fee collected shall be deposited into the State
234 Courts Revenue Trust Fund to fund court operations as authorized
235 in the General Appropriations Act. The clerk shall retain an
236 accounting of each such remittance.

237 (6)~~(7)~~ The clerk of the district court of appeal may ~~is~~
238 ~~authorized to~~ collect a fee from the parties to an appeal
239 reflecting the actual cost of conducting the proceeding through
240 teleconferencing if ~~where~~ the parties have requested that an
241 oral argument or mediation be conducted through
242 teleconferencing. The fee collected for this purpose shall be
243 used to offset the expenses associated with scheduling the
244 teleconference and shall be deposited in the State Courts
245 Revenue Trust Fund.

246 Section 14. Sections 35.25 and 35.27, Florida Statutes, are
247 repealed.

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

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

251 43.20 Judicial Qualifications Commission.—

252 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15
253 ~~13~~ members. The members of the commission shall serve for terms
254 of 6 years.

255 Section 17. Subsections (1) and (5), paragraph (b) of
256 subsection (6), and subsection (9) of section 56.29, Florida
257 Statutes, are amended to read:

258 56.29 Proceedings supplementary.—

259 (1) When any person or entity holds an unsatisfied judgment
260 or judgment lien obtained under chapter 55, the judgment holder
261 or judgment lienholder may file a motion and an affidavit so

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262 stating, identifying, if applicable, the issuing court, the case
263 number, and the unsatisfied amount of the judgment or judgment
264 lien, including accrued costs and interest, and stating that the
265 execution is valid and outstanding, and thereupon the judgment
266 holder or judgment lienholder is entitled to these proceedings
267 supplementary to execution.

268 (5) The court ~~judge~~ may order any property of the judgment
269 debtor, not exempt from execution, in the hands of any person,
270 or any property, debt, or other obligation due to the judgment
271 debtor, to be applied toward the satisfaction of the judgment
272 debt. The court may entertain claims concerning the judgment
273 debtor's assets brought under chapter 726 and enter any order or
274 judgment, including a money judgment against any initial or
275 subsequent transferee, in connection therewith, irrespective of
276 whether the transferee has retained the property. Claims under
277 chapter 726 are subject to the provisions of chapter 726 and
278 applicable rules of civil procedure.

279 (6)

280 (b) When any gift, transfer, assignment or other conveyance
281 of personal property has been made or contrived by the judgment
282 debtor ~~defendant~~ to delay, hinder or defraud creditors, the
283 court shall order the gift, transfer, assignment or other
284 conveyance to be void and direct the sheriff to take the
285 property to satisfy the execution. This does not authorize
286 seizure of property exempted from levy and sale under execution
287 or property which has passed to a bona fide purchaser for value
288 and without notice. Any person aggrieved by the levy may proceed
289 under ss. 56.16-56.20.

290 (9) The court may enter any orders, judgments, or writs

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291 required to carry out the purpose of this section, including
292 those orders necessary or proper to subject property or property
293 rights of any judgment debtor defendant to execution, and
294 including entry of money judgments against any impleaded
295 defendant irrespective of whether such defendant has retained
296 the property, subject to ss. 56.18 and 56.19 and applicable
297 principles of equity, and in accordance with chapters 76 and 77
298 and applicable rules of civil procedure.

299 Section 18. The amendments made by this act to s. 56.29,
300 Florida Statutes, are remedial in nature, are intended to
301 clarify existing law, and shall be applied retroactively to the
302 full extent permitted by law.

303 Section 19. Section 57.101, Florida Statutes, is repealed.

304 Section 20. Section 92.15, Florida Statutes, is repealed.

305 Section 21. This act shall take effect July 1, 2014.