

1 A bill to be entitled
 2 An act relating to the Florida Court Educational
 3 Council; amending s. 25.384, F.S.; specifying that the
 4 Court Education Trust Fund shall be administered by
 5 the Florida Court Educational Council; deleting a
 6 provision requiring the council to provide an annual
 7 report; amending s. 25.385, F.S.; specifying the
 8 membership, voting procedures, and duties of the
 9 council; specifying the location of the council
 10 headquarters; requiring the council to submit an
 11 annual report concerning educational and training
 12 programs for judges and other personnel; providing for
 13 nonseverability; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsections (1), (2), and (4) of section
 18 25.384, Florida Statutes, are amended to read:

19 25.384 Court Education Trust Fund.—

20 (1) There is created a Court Education Trust Fund to be
 21 administered by ~~the Supreme Court through~~ the Florida Court
 22 Educational Council as set forth in s. 25.385.

23 (2) (a) The Florida Court Educational Council shall adopt a
 24 comprehensive plan for the operation of the Court Education
 25 Trust Fund and the expenditure of the moneys deposited in the

26 | trust fund.

27 | (b) The plan shall provide for travel, per diem, tuition,
 28 | educational materials, and other related costs incurred for in-
 29 | state and out-of-state education and training programs for
 30 | judges and other court personnel to benefit the judiciary of the
 31 | state. Such ~~The trust fund moneys shall be used to provide~~
 32 | ~~education and training programs shall be for judges and other~~
 33 | ~~court personnel as defined and determined by the Florida Court~~
 34 | ~~Educational council as set forth in s. 25.385.~~

35 | ~~(b) The Supreme Court, through its Florida Court~~
 36 | ~~Educational Council, shall adopt a comprehensive plan for the~~
 37 | ~~operation of the trust fund and the expenditure of the moneys~~
 38 | ~~deposited in the trust fund. The plan shall provide for travel,~~
 39 | ~~per diem, tuition, educational materials, and other related~~
 40 | ~~costs incurred for educational programs, in and out of state,~~
 41 | ~~which will be of benefit to the judiciary of the state.~~

42 | ~~(4) The Supreme Court, through the Florida Court~~
 43 | ~~Educational Council, shall submit a report each year, on October~~
 44 | ~~1, to the President of the Senate and the Speaker of the House~~
 45 | ~~of Representatives, which report shall include the total number~~
 46 | ~~of judges and other court personnel attending each training or~~
 47 | ~~educational program, the educational program attended and the~~
 48 | ~~location of the program, and the costs incurred. In addition,~~
 49 | ~~the report shall identify the judges and other court personnel~~
 50 | ~~attending out-of-state programs and the costs associated with~~

51 ~~such programs. The report shall also show the total dollars~~
52 ~~deposited in the fund for the fiscal year and the balance at the~~
53 ~~end of the fiscal year.~~

54 Section 2. Section 25.385, Florida Statutes, is amended to
55 read:

56 25.385 Florida Court Educational Council; composition;
57 duties; reports ~~standards for instruction of circuit and county~~
58 ~~court judges in handling domestic violence cases.-~~

59 (1) (a) The membership of the Florida Court Educational
60 Council, as it was constituted before January 1, 2018, is
61 terminated and replaced as provided in this section. The Florida
62 Court Educational Council shall consist of 17 members. All the
63 members must be active judges.

64 1. Two members of the council shall be elected to
65 staggered terms by the Florida Conference of District Court of
66 Appeal Judges from its membership pursuant to conference adopted
67 procedures. One council member shall be elected for a term
68 ending December 31, 2019, and subsequently for 2-year terms
69 ending on December 31 of each odd-numbered year and the other
70 council member shall be elected for a term ending on December
71 31, 2020, and subsequently for 2-year terms ending on December
72 31 of each even-numbered year.

73 2. Ten members of the council shall be elected to
74 staggered terms by the Florida Conference of Circuit Court
75 Judges from its membership pursuant to conference adopted

76 procedures. Five council members shall each be elected for a
77 term ending December 31, 2019, and subsequently for 2-year terms
78 ending on December 31 of each odd-numbered year. The five
79 remaining council members shall each be elected for a term
80 ending on December 31, 2020, and subsequently for 2-year terms
81 ending on December 31 of each even-numbered year.

82 3. Five members of the council shall be elected to
83 staggered terms by the Florida Conference of County Court Judges
84 from its membership pursuant to conference adopted procedures.
85 Three council members shall each be elected for a term ending
86 December 31, 2019, and subsequently for 2-year terms ending on
87 December 31 of each odd-numbered year. The two remaining council
88 members shall each be elected for a term ending on December 31,
89 2020, and subsequently for 2-year terms ending on December 31 of
90 each even-numbered year.

91 4. Each vacancy shall be filled for the remainder of an
92 unexpired term in the same manner as the original appointment.

93 5. Council members may serve consecutive terms.

94 6. The council shall elect a chair from its membership
95 for a 1-year term to preside at all council meetings. The
96 council shall also elect other officers from its membership as
97 it deems necessary.

98 (b) A majority of the council members shall constitute a
99 quorum, and the affirmative vote of a majority of the members
100 present shall be necessary for any action to be taken by the

101 council.

102 (c) The administrative duties of the council include:

103 1. Adopting guidelines on permissible administrative
104 expenses. The council shall minimize administrative expenses and
105 maximize educational opportunities for judges and judicial
106 staff.

107 a. Administrative expenses include office space expenses;
108 salaries for full-time employees, or the equivalent, unless such
109 employees teach judges or judicial staff on a full-time basis;
110 compensation for part-time assistance, unless such individuals
111 are retained to teach judges or judicial staff; and equipment
112 and supplies purchased or leased by the council. Upon approval
113 of the council, any employee who documents time spent teaching
114 judges or judicial staff on less than a full-time basis may have
115 the pro-rata portion of his or her salary deducted from the
116 calculation of administrative expenses.

117 b. As part of the report required by subsection (3), the
118 council shall provide a description of all efforts the council
119 has made to reduce administrative expenses below 44 percent.
120 This part of the report is not required for any year in which
121 the council spends less than 25 percent of the previous year's
122 gross receipts on administrative expenses.

123 2. Adopting policies and guidelines related to the
124 selection of continuing judicial and judicial staff education
125 and training programs, approval of courses for such programs,

126 and selection of participants. The council shall also develop
 127 and fund appropriate education and training programs for new
 128 trial judges, appellate judges, child support hearing officers,
 129 and magistrates.

130 3. Adopting reporting formats.

131 4. Employing and supervising all council employees.

132 Council employees shall report only to the chair of the council
 133 and may not be assigned any duties except those dealing directly
 134 with court education. It is unlawful to require a council
 135 employee to perform duties unrelated to judicial or judicial
 136 staff education if such duties are not authorized by the
 137 council. The council may not employ more than 15 full-time
 138 employees. The council must employ less than 15 full-time
 139 employees if the council determines that the judicial and
 140 judicial staff education training objectives of the council can
 141 be accomplished with fewer than 15 employees.

142 (d) The council and its employees shall be headquartered
 143 at the First District Court of Appeal.

144 (2) (a) ~~(1)~~ The Florida Court Educational council shall
 145 establish standards for instruction of circuit and county court
 146 judges who have responsibility for domestic violence cases, and
 147 the council shall provide such instruction on a periodic and
 148 timely basis.

149 (b) ~~(2)~~ As used in this subsection, ~~section:~~

150 ~~(a)~~ the term "domestic violence" has the meaning set forth

151 in s. 741.28.

152 ~~(b) "Family or household member" has the meaning set forth~~
153 ~~in s. 741.28.~~

154 (3) The council shall submit a report each year, on
155 October 1, to the President of the Senate and the Speaker of the
156 House of Representatives that includes the total number of
157 judges and other court personnel attending each in-state
158 training or educational program, the training or educational
159 program attended and the location of the program, and the costs
160 incurred. The report shall also identify the judges and other
161 court personnel attending out-of-state training or educational
162 programs and the costs associated with such programs. The report
163 shall identify the total dollars deposited into the trust fund
164 for the fiscal year and the balance in the trust fund at the end
165 of the fiscal year.

166 Section 3. If any provision contained in sections 1 or 2
167 of this act is declared invalid for any reason, then sections 1
168 and 2 of this act shall be declared invalid, the fees that would
169 be directed to the Court Education Trust Fund may not be
170 assessed pursuant to ss. 28.2401(3), 28.241(1)(a)1.c.,
171 28.241(1)(a)2.e., and 34.041(1)(b), the remaining unencumbered
172 funds in the Court Education Trust Fund shall revert to the
173 General Revenue Fund, and the trust fund shall be terminated.

174 Section 4. This act shall take effect January 1, 2018.