



412596

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
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	.	

The Committee on Judiciary (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 60 - 114
and insert:

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

1. Two members of the council shall be elected to staggered terms by the Florida Conference of District Court of Appeal



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12 Judges from its membership pursuant to conference adopted
13 procedures. One council member shall be elected for a term
14 ending December 31, 2019, and subsequently for 2-year terms
15 ending on December 31 of each odd-numbered year and the other
16 council member shall be elected for a term ending on December
17 31, 2020, and subsequently for 2-year terms ending on December
18 31 of each even-numbered year.

19 2. Ten members of the council shall be elected to staggered
20 terms by the Florida Conference of Circuit Court Judges from its
21 membership pursuant to conference adopted procedures. Five
22 council members shall each be elected for a term ending December
23 31, 2019, and subsequently for 2-year terms ending on December
24 31 of each odd-numbered year. The five remaining council members
25 shall each be elected for a term ending on December 31, 2020,
26 and subsequently for 2-year terms ending on December 31 of each
27 even-numbered year.

28 3. Five members of the council shall be elected to
29 staggered terms by the Florida Conference of County Court Judges
30 from its membership pursuant to conference adopted procedures.
31 Three council members shall each be elected for a term ending
32 December 31, 2019, and subsequently for 2-year terms ending on
33 December 31 of each odd-numbered year. The two remaining council
34 members shall each be elected for a term ending on December 31,
35 2020, and subsequently for 2-year terms ending on December 31 of
36 each even-numbered year.

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

39 5. Council members may serve consecutive terms.

40 6. The council shall elect a chair from its membership for



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41 a 1-year term to preside at all council meetings. The council
42 shall also elect other officers from its membership as it deems
43 necessary.

44 (b) A majority of the council members shall constitute a
45 quorum, and the affirmative vote of a majority of the members
46 present shall be necessary for any action to be taken by the
47 council.

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

49 1. Adopting guidelines on permissible administrative
50 expenses. The council shall minimize administrative expenses and
51 maximize educational opportunities for judges and judicial
52 staff.

53 a. Administrative expenses include office space expenses;
54 salaries for full-time employees, or the equivalent, unless such
55 employees teach judges or judicial staff on a full-time basis;
56 compensation for part-time assistance, unless such individuals
57 are retained to teach judges or judicial staff; and equipment
58 and supplies purchased or leased by the council. Upon approval
59 of the council, any employee who documents time spent teaching
60 judges or judicial staff on less than a full-time basis may have
61 the pro-rata portion of his or her salary deducted from the
62 calculation of administrative expenses.

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

69 2. Adopting policies and guidelines related to the



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70 selection of continuing judicial and judicial staff education
71 and training programs, approval of courses for such programs,
72 and selection of participants. The council shall also develop
73 and fund appropriate education and training programs for new
74 trial judges, appellate judges, child support hearing officers,
75 and magistrates.

76 3. Adopting reporting formats.

77 4. Employing and supervising all council employees. Council
78 employees shall report only to the chair of the council and may
79 not be assigned any duties except those dealing directly with
80 court education. It is unlawful to require a council employee to
81 perform duties unrelated to judicial or judicial staff education
82 if such duties are not authorized by the council. The council
83 may not employ more than 15 full-time employees. The council
84 must employ less than 15 full-time employees if the council
85 determines that the judicial and judicial staff education
86 training objectives of the council can be accomplished with
87 fewer than 15 employees.

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

90 (2) (a) ~~(1)~~ The Florida Court Educational council shall
91 establish standards for instruction of circuit and county court
92 judges who have responsibility for domestic violence cases, and
93 the council shall provide such instruction on a periodic and
94 timely basis.

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

96 ~~(a)~~ the term "domestic violence" has the meaning set forth
97 in s. 741.28.

98 ~~(b)~~ "Family or household member" has the meaning set forth



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99 ~~in s. 741.28.~~

100 (3) The council shall submit a report each year, on October
101 1, to the President of the Senate and the Speaker of the House
102 of Representatives that includes the total number of judges and
103 other court personnel attending each in-state training or
104 educational program, the training or educational program
105 attended and the location of the program, and the costs
106 incurred. The report shall also identify the judges and other
107 court personnel attending out-of-state training or educational
108 programs and the costs associated with such programs. The report
109 shall identify the total dollars deposited into the trust fund
110 for the fiscal year and the balance in the trust fund at the end
111 of the fiscal year.

112 Section 3. If any provision contained in section 1 or
113 section 2 of this act is declared invalid for any reason, then
114 sections 1 and 2 of this act shall be declared invalid, the fees
115 that would be directed to the Court Education Trust Fund may not
116 be assessed pursuant to ss. 28.2401(3), 28.241(1)(a)1.c.,
117 28.241(1)(a)2.e., and 34.041(1)(b), the remaining unencumbered
118 funds in the Court Education Trust Fund shall revert to the
119 General Revenue Fund, and the trust fund shall be terminated.

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

121
122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete lines 5 - 13

125 and insert:

126 the Florida Court Educational Council; deleting a
127 provision requiring the council to provide an annual



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128 report; amending s. 25.385, F.S.; specifying the
129 membership, voting procedures, and duties of the
130 council; specifying the location of the council
131 headquarters; requiring the council to submit an
132 annual report concerning educational and training
133 programs for judges and other personnel; providing for