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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 96

and insert:

Section 2. Subsection (4) of section 27.51, Florida
Statutes, is amended to read:

27.51 Duties of public defender.—

(4) The public defender for the judicial circuit specified
in this subsection shall, after the record on appeal is
transmitted to the appellate court by the office of the public



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11 defender which handled the trial and if requested by any public
12 defender within the indicated appellate district, handle all
13 circuit court and county court misdemeanor and criminal appeals
14 within the state courts system and any authorized appeals to the
15 federal courts required of the official making such request:

16 (a) Public defender of the second judicial circuit, on
17 behalf of any public defender within the district comprising the
18 First District Court of Appeal.

19 (b) Public defender of the tenth judicial circuit, on
20 behalf of any public defender within the district comprising the
21 Second District Court of Appeal.

22 (c) Public defender of the eleventh judicial circuit, on
23 behalf of any public defender within the district comprising the
24 Third District Court of Appeal.

25 (d) Public defender of the fifteenth judicial circuit, on
26 behalf of any public defender within the district comprising the
27 Fourth District Court of Appeal.

28 (e) Public defender of the seventh judicial circuit, on
29 behalf of any public defender within the district comprising the
30 Fifth District Court of Appeal.

31 Section 3. Section 34.017, Florida Statutes, is amended to
32 read:

33 34.017 Certification of questions to district court of
34 appeal.—

35 (1) A county court may ~~is permitted to~~ certify a question
36 to the district court of appeal in a final judgment that is
37 appealable to the circuit court if the question may have
38 statewide application, and:

39 (a) Is of great public importance; or



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40 (b) Will affect the uniform administration of justice.
41 (2) In the final judgment, the trial court shall:
42 (a) Make findings of fact and conclusions of law; and
43 (b) State concisely the question to be certified.
44 (3) The decision to certify the question to the district
45 court of appeal is within the sole discretion of the county
46 court.
47 (4) The district court of appeal has absolute discretion as
48 to whether to answer a question certified by the county court.
49 (a) If the district court agrees to answer the certified
50 question, it shall decide all appealable issues that have been
51 raised from the final judgment.
52 (b) If the district court declines to answer the certified
53 question, the case shall be transferred to the circuit court
54 which has appellate jurisdiction.
55 Section 4. Section 35.065, Florida Statutes, is amended to
56 read:
57 35.065 Review of judgment or order certified by county
58 court to be of great public importance.—Pursuant to s. 34.017, a
59 district court of appeal may review any order or judgment of a
60 county court which is certified by the county court to be of
61 great public importance.
62 Section 5. Section 924.08, Florida Statutes, is amended to
63 read:
64 924.08 Courts of appeal.—Appeals from final judgments in
65 misdemeanor cases tried by county courts shall be to the
66 district court of appeal ~~circuit court.~~

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68 ===== T I T L E A M E N D M E N T =====



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69 And the title is amended as follows:

70 Delete lines 7 - 15

71 and insert:

72 provided by law; amending s. 27.51, F.S.; revising the
73 duties of the public defender regarding the handling
74 of appeals to conform to changes made by the act;
75 amending s. 34.017, F.S.; authorizing a county court
76 to certify a question to a district court of appeal in
77 a final judgment that is appealable to a circuit
78 court; amending s. 35.065, F.S.; authorizing a
79 district court of appeal to review certain questions
80 certified by a county court; amending s. 924.08, F.S.;
81 specifying that final judgments of misdemeanor cases
82 tried in county court are appealable to the district
83 court of appeal; providing an