

By Senator Siplin

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1                                   A bill to be entitled  
2           An act relating to the state judicial system; amending  
3           s. 2.01, F.S.; construing application of the common  
4           and statute laws of England to this state; amending s.  
5           25.382, F.S.; revising a definition; expanding the  
6           list of recipients required to be provided a certain  
7           annual report of the Florida Supreme Court; specifying  
8           a required use of such report; requiring the Supreme  
9           Court to develop a plan for certain civics promotion  
10          and judicial branch education purposes; requiring an  
11          annual plan implementation report; specifying report  
12          recipients and uses; requiring the Supreme Court to  
13          submit to certain recipients all final reports  
14          completed by certain committees; specifying uses of  
15          such reports; requiring that the Auditor General  
16          conduct a biennial full audit review and the Office of  
17          Program Policy Analysis and Government Accountability  
18          examine records of the state courts system; requiring  
19          reports; specifying recipients of the reports;  
20          amending s. 26.012, F.S.; expanding the jurisdiction  
21          of circuit courts to include interlocutory appeals  
22          from orders on motions to dismiss, for dismissal, and  
23          for summary judgment rendered in cases in which a  
24          circuit court has exclusive original jurisdiction;  
25          establishing certain divisions within each judicial  
26          circuit for certain purposes; providing for  
27          administration of the divisions; amending s. 43.20,  
28          F.S.; correcting a cross-reference; increasing the  
29          membership of the Judicial Qualifications Commission;

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30 revising provisions related to the expenses of the  
31 commission; requiring the commission to hire staff for  
32 each commission panel; providing requirements for  
33 staff committees for commission panels; requiring  
34 reports of staff committees; specifying recipients of  
35 the reports for certain purposes; designating such  
36 reports as public records; requiring the commission to  
37 adopt rules; requiring that the Auditor General  
38 conduct a biennial full audit review and the Office of  
39 Program Policy Analysis and Government Accountability  
40 examine the records of the commission; requiring a  
41 report; specifying recipients of the reports;  
42 specifying application of certain provisions of the  
43 act; providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Section 2.01, Florida Statutes, is amended to  
48 read:

49 2.01 Common law and certain statutes declared in force.—

50 (1) The common and statute laws of England which are of a  
51 general and not a local nature, with the exception hereinafter  
52 mentioned, down to the 4th day of July, 1776, are declared to be  
53 of force in this state to the extent such common and statute  
54 laws are; ~~provided, the said statutes and common law be not~~  
55 inconsistent with the Constitution and laws of the United States  
56 and the acts of the Legislature of this state.

57 (2) Notwithstanding subsection (1), provisions including,  
58 but not limited to, the following are declared to be of force in

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59 this state:

60 (a) Those clearly expressed, or obviously and reasonably  
61 implied without clear expression, in the language and wording of  
62 the acts of the Legislature.

63 (b) Those that provide for rights and claims in tort  
64 liability for acts committed directly or indirectly involving  
65 judicial and administrative proceedings. In such cases,  
66 litigation privilege or judicial, qualified, or absolute  
67 immunity and similar privileges and immunities are not and may  
68 not be considered as viable or valid defenses.

69 (c) Those relating to claims for or defenses of abuse of  
70 process, malicious prosecution, and fraud upon the court, also  
71 known as extrinsic fraud, which must be strictly enforced. In  
72 such cases, litigation privilege or judicial, qualified, or  
73 absolute immunity and similar privileges and immunities are not  
74 and may not be considered as viable or valid defenses.

75 (d) Those relating to criminal offenses under 18 U.S.C. ss.  
76 241 and 242 and claims under 42 U.S.C. ss. 1983, 1985, 1986, and  
77 1988, as prescribed by federal statutes and the decisions of the  
78 federal courts.

79 Section 2. Subsections (1) and (4) of section 25.382,  
80 Florida Statutes, are amended, and subsections (5), (6), and (7)  
81 are added to that section, to read:

82 25.382 State courts system.—

83 (1) As used in this section, "state courts system" means  
84 all officers, employees, and divisions of the Supreme Court,  
85 district courts of appeal, circuit courts, and county courts,  
86 also known as the judicial branch of state government.

87 (4) The Supreme Court shall ensure that clearly written

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88 policies, procedures, and goals for the recruitment, selection,  
89 promotion, and retention of minorities, including minority  
90 women, are established throughout all levels of the judicial  
91 system. An annual report ~~shall be submitted to the Chief Justice~~  
92 outlining progress, problems, and corrective actions relating to  
93 the implementation of this plan shall be submitted to the Chief  
94 Justice, the Governor, the President of the Senate, and the  
95 Speaker of the House of Representatives. Three copies of the  
96 report shall be submitted to each legislative substantive and  
97 appropriations committee having jurisdiction over state courts  
98 or judicial matters. The report shall be used for legislative  
99 interim projects.

100 (5) The Supreme Court shall ensure that clearly written  
101 policies, procedures, and goals are developed into a plan for  
102 promoting civics for residents of this state, together with  
103 education concerning the judicial branch, in order to develop  
104 trust and confidence in the state's judicial system. An annual  
105 report outlining progress, problems, and corrective actions  
106 relating to the implementation of this plan shall be submitted  
107 to the Chief Justice, the Governor, the Cabinet, the President  
108 of the Senate, and the Speaker of the House of Representatives.  
109 Three copies of the report shall be submitted to each  
110 legislative substantive and appropriations committee having  
111 jurisdiction over state courts or judicial matters. The report  
112 shall be used for legislative interim projects.

113 (6) The Supreme Court shall submit all final reports  
114 completed by assigned court committees, whether by rule or  
115 order, dating from 2000 and thereafter, as follows: one copy  
116 each to the Governor, the Cabinet, the President of the Senate,

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117 and the Speaker of the House of Representatives and three copies  
118 to each legislative substantive and appropriations committee  
119 having jurisdiction over state courts or judicial matters. The  
120 reports may be used for legislative interim projects.

121 (7) Pursuant to ss. 11.45(2)(a) and 11.51, the Auditor  
122 General shall conduct a full audit review of the state courts  
123 system, and the Office of Program Policy Analysis and Government  
124 Accountability shall examine the records of the state courts  
125 system. The Auditor General and the Office of Program Policy  
126 Analysis and Government Accountability shall prepare a report  
127 containing appropriate recommendations. The audit and  
128 examination must be conducted every 2 years beginning July 1,  
129 2013, in accordance with the full authority and responsibilities  
130 conferred upon the Auditor General and the Office of Program  
131 Policy Analysis and Government Accountability by general law.  
132 The report and recommendations must be submitted within 1 year  
133 after the audit and examination to the chair and vice chair of  
134 the Legislative Budget Commission, the chair and vice chair of  
135 the Legislative Auditing Committee, the Governor, and the Chief  
136 Justice of the Supreme Court.

137 Section 3. Subsection (1) of section 26.012, Florida  
138 Statutes, is amended, and subsection (6) is added to that  
139 section, to read:

140 26.012 Jurisdiction of circuit court.—

141 (1) Circuit courts shall have jurisdiction of appeals from  
142 county courts except appeals of county court orders or judgments  
143 declaring invalid a state statute or a provision of the State  
144 Constitution and except orders or judgments of a county court  
145 which are certified by the county court to the district court of

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146 appeal to be of great public importance and which are accepted  
147 by the district court of appeal for review. Circuit courts shall  
148 have jurisdiction of interlocutory appeals from orders on  
149 motions to dismiss, for dismissal, and for summary judgment  
150 rendered in cases in which a circuit court has exclusive  
151 original jurisdiction. Circuit courts shall have jurisdiction of  
152 appeals from final administrative orders of local government  
153 code enforcement boards.

154 (6) The following special divisions of judicial circuits  
155 are created:

156 (a) Unified family courts.—A unified family division is  
157 established in each judicial circuit for the purpose of  
158 consolidating cases and integrating subject matter pertaining to  
159 children and their families who are parties or persons of  
160 interest in proceedings or matters under chapters 39, 61, and  
161 63, s. 68.07, and chapters 88, 741, 742, 743, 984, 985, and  
162 1003. Each judicial circuit shall administer the division as  
163 prescribed by general law or s. 43.30 for the resolution of  
164 disputes involving children and families through a fully  
165 integrated, comprehensive approach that includes coordinated  
166 case management; the concept of "one family, one judge";  
167 collaboration with the community for referral to needed  
168 services; and methods of alternative dispute resolution.

169 (b) Teen courts.—A teen division is established in each  
170 judicial circuit for the purpose of administering teen courts as  
171 provided by s. 938.19. Each judicial circuit shall administer  
172 the division as prescribed by general law or s. 43.30.

173 (c) Drug and mental health courts.—A drug and mental health  
174 division is established in each judicial circuit for the purpose

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175 of administering the programs under ss. 394.656, 394.658, and  
176 397.334. Each judicial circuit shall administer the division as  
177 prescribed by general law or s. 43.30.

178 Section 4. Subsections (1), (2), and (5) of section 43.20,  
179 Florida Statutes, are amended, and subsections (6) and (7) are  
180 added to that section, to read:

181 43.20 Judicial Qualifications Commission.—

182 (1) PURPOSE.—The purpose of this section is to implement s.  
183 12(a) ~~(b)~~, Art. V of the State Constitution which provides for a  
184 Judicial Qualifications Commission.

185 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15  
186 ~~13~~ members. The members of the commission shall serve for terms  
187 of 6 years.

188 (5) EXPENSES.—The compensation of members, their staff, and  
189 referees shall be the travel expense or transportation and per  
190 diem allowance provided by s. 112.061. Other administrative  
191 costs and expenses shall be appropriated under the state courts  
192 system.

193 (6) COMMISSION STAFF.—The commission shall hire separate  
194 staff for each commission panel, which staff may be compensated  
195 or may be provided by volunteer services.

196 (a) Staff for each commission panel must consist of at  
197 least one designated staff committee of five common citizen  
198 electors to assist and engage in the deliberations for each  
199 panel of members of the commission in carrying out its powers  
200 and duties. Such designated staff committee must consist of  
201 persons who are not considered to be officers of the court. The  
202 designated staff committee shall prepare a report of suggestions  
203 or comments.

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204       (b) The designated staff committee shall provide a copy of  
205 the report of its suggestions or comments to:

206           1. The hearing panel upon submission of formal charges by  
207 the commission's investigative panel to assist the hearing panel  
208 in its pending proceedings and final recommendations.

209           2. The Supreme Court, together with the recommendations of  
210 the commission's hearing panel, to assist the Supreme Court in  
211 its final determination.

212       (c) The reports of the suggestions or comments of the  
213 designated staff committee shall be public records and available  
214 upon the final determination of any case rendered by any  
215 commission panel.

216       (d) The commission shall adopt rules to administer this  
217 subsection.

218       (7) COMMISSION ACCOUNTABILITY AND EFFICIENCY.—Pursuant to  
219 ss. 11.45(2) (a) and 11.51, the Auditor General shall conduct a  
220 full audit review of the commission, and the Office of Program  
221 Policy Analysis and Government Accountability shall examine the  
222 records of the commission. The Auditor General and the Office of  
223 Program Policy Analysis and Government Accountability shall  
224 prepare a report containing appropriate recommendations. The  
225 audit and examination must be conducted every 2 years commencing  
226 July 1, 2013, in accordance with the full authority and  
227 responsibilities conferred by general law upon the Auditor  
228 General and the Office of Program Policy Analysis and Government  
229 Accountability. The report and recommendations shall be  
230 submitted within 1 year after the audit and examination to the  
231 chair and vice chair of the Legislative Budget Commission, the  
232 chair and vice chair of the Legislative Auditing Committee, the



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233 Governor, and the Chief Justice of the Supreme Court.

234 Section 5. The amendment to s. 2.01, Florida Statutes, made  
235 by this act applies retroactively and prospectively.

236 Section 6. This act shall take effect July 1, 2012.