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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/25/2011	.	
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The Committee on Judiciary (Braynon) recommended the following:

Senate Amendment (with title amendment)

Between lines 13 and 14

insert:

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

2.01 Common law and certain statutes declared in force.—

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



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14 and the acts of the Legislature of this state.

15 (2) Notwithstanding subsection (1), provisions including,
16 but not limited to, the following are declared to be of force in
17 this state:

18 (a) Those clearly expressed, or obviously and reasonably
19 implied without clear expression, in the language and wording of
20 the acts of the Legislature.

21 (b) Those that provide for rights and claims in tort
22 liability for acts committed directly or indirectly involving
23 judicial and administrative proceedings. In such cases,
24 litigation privilege or judicial, qualified, or absolute
25 immunity and similar privileges and immunities are not and may
26 not be considered as viable or valid defenses.

27 (c) Those relating to claims for or defenses of abuse of
28 process, malicious prosecution, and fraud upon the court, also
29 known as extrinsic fraud, that must be strictly enforced. In
30 such cases, litigation privilege or judicial, qualified, or
31 absolute immunity and similar privileges and immunities are not
32 and may not be considered as viable or valid defenses.

33 (d) Those relating to criminal offenses under 18 U.S.C. ss.
34 241 and 242 and claims under 42 U.S.C. ss. 1983, 1985, 1986, and
35 1988, as prescribed by federal statutes and the decisions of the
36 federal courts.

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

40 25.382 State courts system.—

41 (1) As used in this section, "state courts system" means
42 all officers, employees, and divisions of the Supreme Court,



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43 district courts of appeal, circuit courts, and county courts,
44 also known as the judicial branch of state government.

45 (4) The Supreme Court shall ensure that clearly written
46 policies, procedures, and goals for the recruitment, selection,
47 promotion, and retention of minorities, including minority
48 women, are established throughout all levels of the judicial
49 system. An annual report shall be submitted to the Chief Justice
50 outlining progress, problems, and corrective actions relating to
51 the implementation of this plan shall be submitted to the Chief
52 Justice, the Governor, the President of the Senate, and the
53 Speaker of the House of Representatives. Three copies of the
54 report shall be submitted to each legislative substantive and
55 appropriations committee having jurisdiction over state courts
56 or judicial matters. The report shall be used for legislative
57 interim projects.

58 (5) The Supreme Court shall ensure that clearly written
59 policies, procedures, and goals are developed into a plan for
60 promoting civics for residents of this state, together with
61 education concerning the judicial branch in order to develop
62 trust and confidence in the state's judicial system. An annual
63 report outlining progress, problems, and corrective actions
64 relating to the implementation of this plan shall be submitted
65 to the Chief Justice, the Governor, the Cabinet, the President
66 of the Senate, and the Speaker of the House of Representatives.
67 Three copies of the report shall be submitted to each
68 legislative substantive and appropriations committee having
69 jurisdiction over state courts or judicial matters. The report
70 shall be used for legislative interim projects.

71 (6) The Supreme Court shall submit all final reports



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72 completed by assigned court committees, whether by rule or
73 order, dating from 2000 and thereafter, as follows: one copy
74 each to the Governor, the Cabinet, the President of the Senate,
75 and the Speaker of the House of Representatives and three copies
76 to each legislative substantive and appropriations committee
77 having jurisdiction over state courts or judicial matters. The
78 reports may be used for legislative interim projects.

79 (7) Pursuant to ss. 11.45(2)(a), 11.51(1), and 11.513(5),
80 the Auditor General and the Office of Program Policy Analysis
81 and Government Accountability shall conduct a full audit review
82 and examination of the state courts system and prepare a report
83 containing appropriate recommendations. The audit must be
84 conducted every 2 years beginning July 1, 2011, in accordance
85 with the full authority and responsibilities conferred upon the
86 Auditor General and the Office of Program Policy Analysis and
87 Government Accountability by general law. The report and
88 recommendations must be submitted within 1 year after the audit
89 to the chair and vice chair of the Legislative Budget
90 Commission, the chair and vice chair of the Legislative Auditing
91 Committee, the Governor, and the Chief Justice of the Supreme
92 Court.

93 Section 3. Subsection (1) of section 26.012, Florida
94 Statutes, is amended, and subsection (6) is added to that
95 section, to read:

96 26.012 Jurisdiction of circuit court.-

97 (1) Circuit courts shall have jurisdiction of appeals from
98 county courts except appeals of county court orders or judgments
99 declaring invalid a state statute or a provision of the State
100 Constitution and except orders or judgments of a county court



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101 which are certified by the county court to the district court of
102 appeal to be of great public importance and which are accepted
103 by the district court of appeal for review. Circuit courts shall
104 have jurisdiction of interlocutory appeals from orders on
105 motions to dismiss, for dismissal, and for summary judgment
106 rendered in cases in which a circuit court has exclusive
107 original jurisdiction. Circuit courts shall have jurisdiction of
108 appeals from final administrative orders of local government
109 code enforcement boards.

110 (6) The following special divisions of judicial circuits
111 are created:

112 (a) Unified family courts.—A unified family division is
113 established in each judicial circuit for the purpose of
114 consolidating cases and integrating subject matter pertaining to
115 children and their families who are parties or persons of
116 interest in proceedings or matters under chapters 39, 61, and
117 63, s. 68.07, and chapters 88, 741, 742, 743, 984, 985, and
118 1003. Each judicial circuit shall administer the division as
119 prescribed by general law or s. 43.30 for the resolution of
120 disputes involving children and families through a fully
121 integrated, comprehensive approach that includes coordinated
122 case management; the concept of "one family, one judge";
123 collaboration with the community for referral to needed
124 services; and methods of alternative dispute resolution.

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

129 (c) Drug and mental health courts.—A drug and mental health



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130 division is established in each judicial circuit for the purpose
131 of administering the programs under ss. 394.656, 394.658, and
132 397.334. Each judicial circuit shall administer the division as
133 prescribed by general law or s. 43.30.

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

137 43.20 Judicial Qualifications Commission.—

138 (1) PURPOSE.—The purpose of this section is to implement s.
139 12(a)(b), Art. V of the State Constitution which provides for a
140 Judicial Qualifications Commission.

141 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15
142 ~~13~~ members. The members of the commission shall serve for terms
143 of 6 years.

144 (5) EXPENSES.—The compensation of members and their staff
145 and referees shall be the travel expense or transportation and
146 per diem allowance provided by s. 112.061. Other administrative
147 costs and expenses shall be appropriated under the state courts
148 system.

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

152 (a) Staff for each commission panel must consist of at
153 least one designated staff committee of five common citizen
154 electors to assist and engage in the deliberations for each
155 panel of members of the commission in carrying out its powers
156 and duties. Such designated staff committee must consist of
157 persons who are not considered to be officers of the court. The
158 designated staff committee shall prepare a report of suggestions



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159 or comments.

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

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

165 2. The Supreme Court, together with the recommendations of
166 the commission's hearing panel, to assist the Supreme Court in
167 its final determination.

168 (c) The reports of the suggestions or comments of the
169 designated staff committee shall be public records and available
170 upon the final determination of any case rendered by any
171 commission panel.

172 (d) The commission shall adopt rules to implement this
173 subsection.

174 (7) COMMISSION ACCOUNTABILITY AND EFFICIENCY.—Pursuant to
175 ss. 11.45(2)(a), 11.51(1), and 11.513(5), the Auditor General
176 and the Office of Program Policy Analysis and Government
177 Accountability shall conduct a full audit review and examination
178 of the commission and prepare a report containing appropriate
179 recommendations. The audit must be conducted every 2 years
180 commencing July 1, 2011, in accordance with the full authority
181 and responsibilities conferred upon the Auditor General and the
182 Office of Program Policy Analysis and Government Accountability
183 by general law. The report and recommendations shall be
184 submitted within 1 year after the audit to the chair and vice
185 chair of the Legislative Budget Commission, the chair and vice
186 chair of the Legislative Auditing Committee, the Governor, and
187 the Chief Justice of the Supreme Court.



188 Section 5. The amendment to section 2.01, Florida Statutes,
189 made by this act applies retroactively and prospectively.

190
191 ===== T I T L E A M E N D M E N T =====

192 And the title is amended as follows:

193 Delete line 2

194 and insert:

195 An act relating to the state judicial system; amending
196 s. 2.01, F.S.; construing application of the common
197 and statute laws of England to this state; amending s.
198 25.382, F.S.; revising a definition; expanding the
199 list of recipients required to be provided a certain
200 annual report of the Florida Supreme Court; specifying
201 a required use of such report; requiring the Supreme
202 Court to develop a plan for certain civics promotion
203 and judicial branch education purposes; requiring an
204 annual plan implementation report; specifying report
205 recipients and uses; requiring the Supreme Court to
206 submit to certain recipients all final reports
207 completed by certain committees; specifying uses of
208 such reports; requiring the Auditor General and the
209 Office of Program Policy Analysis and Government
210 Accountability to conduct biennial full audit reviews
211 and examinations of the state courts system; requiring
212 reports; specifying recipients of the reports;
213 amending s. 26.012, F.S.; specifying certain
214 additional jurisdiction of circuit courts;
215 establishing certain divisions within each judicial
216 circuit for certain purposes; providing for



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217 administration of the divisions; amending s. 43.20,
218 F.S.; correcting a cross-reference; increasing
219 membership of the Judicial Qualifications Commission;
220 revising expenses authorization for the commission;
221 requiring the commission to hire staff for each
222 commission panel; providing requirements for staff
223 committees for commission panels; requiring reports of
224 staff committees; specifying recipients of the reports
225 for certain purposes; designating such reports as
226 public records; requiring the commission to adopt
227 rules; requiring the Auditor General and the Office of
228 Program Policy Analysis and Government Accountability
229 to conduct biennial full audit reviews and
230 examinations of the commission; requiring reports;
231 specifying recipients of the reports; specifying
232 application of certain provisions;