

1 A bill to be entitled

2 An act relating to the courts; creating s. 25.025, F.S.;

3 providing for the divisions of the Supreme Court and their

4 respective jurisdictions; amending s. 25.031, F.S.;

5 authorizing Supreme Court collaboration with other courts;

6 repealing s. 25.032, F.S., relating to collaboration by

7 the Supreme Court with other courts of last resort for the

8 preparation and approval of uniform rules relating to

9 certification of questions of law, rules, and regulations;

10 repealing s. 25.051, F.S., relating to terms of the

11 Supreme Court; repealing s. 25.151, F.S., relating to the

12 practice of law by retired justices of the Supreme Court;

13 amending s. 25.191, F.S.; revising provisions relating to

14 the clerk of the Supreme Court; repealing s. 25.201, F.S.,

15 relating to the appointment of a deputy clerk of the

16 Supreme Court; repealing s. 25.211, F.S., relating to the

17 location of the clerk's office of the Supreme Court;

18 repealing s. 25.221, F.S., relating to the custody of

19 books, papers, records, files, and the seal of the Supreme

20 Court; repealing s. 25.231, F.S., relating to the duties

21 of the clerk of the Supreme Court; amending s. 25.241,

22 F.S.; providing duties of the clerk of the Supreme Court;

23 amending s. 25.251, F.S.; revising provisions relating to

24 the marshal of the Supreme Court; repealing s. 25.262,

25 F.S., relating to the Supreme Court marshal's power to

26 execute the process of the court; creating s. 25.265,

27 F.S.; providing for the location of the Supreme Court

28 Building; repealing s. 25.281, F.S., relating to the

29 compensation of the marshal of the Supreme Court;
 30 repealing s. 25.291, F.S., relating to the deposit of
 31 fines for contempt of the Supreme Court; amending s.
 32 25.341, F.S.; revising provisions relating to the library
 33 of the Supreme Court; repealing s. 25.351, F.S., relating
 34 to the acquisition of books for the library of the Supreme
 35 Court; repealing s. 25.371, F.S., relating to effect of
 36 court rules; amending s. 43.20, F.S.; correcting a
 37 reference to the number of members of the Judicial
 38 Qualifications Commission; amending s. 215.32, F.S.;
 39 exempting the State Courts Revenue Trust Fund from
 40 provisions relating to authority for transfer of
 41 unappropriated cash balances to specified trust funds;
 42 amending s. 272.04, F.S.; revising provisions relating to
 43 the allocation of space in the Supreme Court Building;
 44 amending s. 440.29, F.S.; correcting a reference to the
 45 rules of practice and procedure before the judges of
 46 compensation claims; providing a contingent appropriation;
 47 providing a contingent effective date.

48

49 Be It Enacted by the Legislature of the State of Florida:

50

51 Section 1. Section 25.025, Florida Statutes, is created to
 52 read:

53 25.025 Supreme Court divisions; jurisdiction.—

54 (1) The Supreme Court shall have a civil division and a
 55 criminal division. Each division shall have the jurisdiction as
 56 described in s. 3, Art. V of the State Constitution.

57 (2) Pursuant to s. 3(c)(3), Art. V of the State
 58 Constitution, the following types of cases are criminal cases:

59 (a) Any case or controversy primarily involving the
 60 commission of a felony or misdemeanor. Criminal cases also
 61 includes any case or controversy involving criminal law,
 62 criminal penalties, criminal procedure, juvenile delinquency, or
 63 any related action regarding the interpretation of or resolution
 64 of matters directly affecting the criminal law.

65 (b) Equitable relief related to the criminal law,
 66 including an action in which a party seeks to enjoin the
 67 application or form of a criminal penalty.

68 (c) Appeals from a military court martial.

69 (d) Any case filed by a prisoner under a penalty of death.

70 (e) Any criminal postconviction case.

71 (f) Any prosecution for violation of a local ordinance for
 72 which the imposition of a term of jail or prison is possible.

73 (g) Restitution ordered in a criminal case.

74 (h) Payment of fines, costs, or fees imposed in a criminal
 75 case.

76 (3) Pursuant to s. 3(c)(3), Art. V of the State
 77 Constitution, the following types of cases are civil cases
 78 unless the case involves a criminal offense:

79 (a) Any case or controversy within the traditional
 80 concepts of civil law, including tort, contract, family law,
 81 probate, trusts, real property, employment law, taxation, and
 82 elections.

83 (b) Civil confinement pursuant to chapter 394 or chapter
 84 397.

85 (c) Civil forfeiture or civil penalties resulting from
 86 criminal activity.

87 (d) Noncriminal offenses, including traffic, vessel, and
 88 environmental noncriminal offenses.

89 (e) State budgeting and finance laws.

90 (f) Public records and public meetings laws.

91 (g) Regulation of businesses and professions.

92 (h) Confinement for contempt of court.

93 (i) Consumer protection pursuant to chapter 501.

94 Section 2. Section 25.031, Florida Statutes, is amended to
 95 read:

96 25.031 Supreme Court authorized to receive and answer
 97 certificates as to state law from federal appellate courts;
 98 collaborations with other courts.—

99 (1) The Supreme Court of this state may, by rule of court,
 100 provide that, when it shall appear to the Supreme Court of the
 101 United States, to any circuit court of appeals of the United
 102 States, or to the Court of Appeals of the District of Columbia,
 103 that there are involved in any proceeding before it questions or
 104 propositions of the laws of this state, which are determinative
 105 of the said cause, and there are no clear controlling precedents
 106 in the decisions of the Supreme Court of this state, such
 107 federal appellate court may certify such questions or
 108 propositions of the laws of this state to the Supreme Court of
 109 this state for instructions concerning such questions or
 110 propositions of state law, which certificate the Supreme Court
 111 of this state, by written opinion, may answer.

112 (2) The Supreme Court of this state is authorized and
 113 empowered to collaborate with any and all other courts of last
 114 resort, of other states and of the United States, in the
 115 preparation and approval of uniform rules of court to make
 116 effective this and similar laws.

117 Section 3. Section 25.032, Florida Statutes, is repealed.

118 Section 4. Section 25.051, Florida Statutes, is repealed.

119 Section 5. Section 25.151, Florida Statutes, is repealed.

120 Section 6. Section 25.191, Florida Statutes, is amended to
 121 read:

122 25.191 Clerk of Supreme Court.—

123 (1) The Supreme Court shall appoint a clerk of the Supreme
 124 Court, who shall hold office during the pleasure of the court.

125 (2) The clerk of the Supreme Court shall serve both
 126 divisions of the court.

127 (3) The clerk of the Supreme Court may appoint a deputy or
 128 deputies who, being duly sworn, may discharge all of the duties
 129 of the office of clerk during the clerk's absence. The clerk of
 130 the Supreme Court is responsible for the acts of any deputy.

131 (4) All books, papers, records, files, and the seal of the
 132 Supreme Court shall be kept in the office of the clerk of the
 133 Supreme Court and in the clerk's custody.

134 Section 7. Section 25.201, Florida Statutes, is repealed.

135 Section 8. Section 25.211, Florida Statutes, is repealed.

136 Section 9. Section 25.221, Florida Statutes, is repealed.

137 Section 10. Section 25.231, Florida Statutes, is repealed.

138 Section 11. Section 25.241, Florida Statutes, is amended
 139 to read:

140 25.241 ~~Clerk of Supreme Court; compensation; assistants;~~
 141 ~~Filing fees; duties of the clerk of the Supreme Court, etc.—~~

142 ~~(1) The Clerk of the Supreme Court shall be paid an annual~~
 143 ~~salary to be determined in accordance with s. 25.382.~~

144 ~~(2) The Clerk of the Supreme Court is authorized to employ~~
 145 ~~such deputies and clerical assistants as may be necessary. Their~~
 146 ~~number and compensation shall be approved by the court. The~~
 147 ~~compensation of such employees shall be paid from the annual~~
 148 ~~appropriation for the Supreme Court.~~

149 (1)~~(3)~~(a) The clerk of the Supreme Court is hereby
 150 required to collect, upon the filing of a certified copy of a
 151 notice of appeal or petition, \$300 for each case docketed, and
 152 for copying, certifying, or furnishing opinions, records,
 153 papers, or other instruments, except as otherwise herein
 154 provided, the same fees that are allowed clerks of the circuit
 155 court; however, no fee shall be less than \$1. ~~The State of~~
 156 ~~Florida or its agencies, when appearing as appellant or~~
 157 ~~petitioner, is exempt from the filing fees required in this~~
 158 ~~subsection.~~ From each attorney appearing pro hac vice, the clerk
 159 of the Supreme Court shall collect an additional fee of \$100 ~~to~~
 160 ~~be deposited into the General Revenue Fund.~~

161 (b) Upon the filing of a notice of cross-appeal, or a
 162 notice of joinder or motion to intervene as an appellant, cross-
 163 appellant, or petitioner, the clerk of the Supreme Court shall
 164 charge and collect a filing fee of \$295.

165 (c) ~~The clerk shall remit the fee to the Department of~~
 166 ~~Revenue for deposit into the General Revenue Fund. The state and~~

167 its agencies are exempt from paying any ~~the~~ filing fee or other
 168 cost required in this subsection ~~paragraph~~.

169 ~~(2)-(4)~~ The clerk of the Supreme Court is ~~hereby~~
 170 authorized, immediately after a case is disposed of, to supply
 171 the judge who tried the case and from whose order, judgment, or
 172 decree, appeal or other review is taken, and any court which
 173 reviewed it, a copy of all opinions, orders, or judgments filed
 174 in such case. Copies of opinions, orders, and decrees shall be
 175 furnished in all cases to each attorney of record; copies for
 176 publication in Florida reports shall be without charge; and
 177 copies furnished to the law book publishers shall be at one-half
 178 the regular statutory fee.

179 ~~(3)-(5)~~ The clerk of the Supreme Court is ~~hereby~~ required
 180 to prepare a statement of all moneys ~~fees~~ collected each month
 181 and remit such statement, together with all moneys ~~fees~~
 182 collected by him or her, to the Chief Financial Officer. The
 183 Chief Financial Officer shall deposit \$250 of each \$300 filing
 184 fee and all other fees or moneys collected into the General
 185 Revenue Fund. The Chief Financial Officer shall deposit \$50 of
 186 each filing fee collected into the State Courts Revenue Trust
 187 Fund to fund court operations as authorized in the General
 188 Appropriations Act.

189 Section 12. Section 25.251, Florida Statutes, is amended
 190 to read:

191 25.251 Marshal of Supreme Court; appointment; training;
 192 process.-

193 (1) The Supreme Court shall appoint a marshal who shall
 194 hold office during the pleasure of the court.

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195 (2) The marshal and his or her assistants shall attend and
 196 successfully complete a minimum standards training program
 197 approved by the Criminal Justice Standards and Training
 198 Commission within the Department of Law Enforcement.

199 (3) The marshal shall have the power to execute the
 200 process of the Supreme Court throughout the state, and in any
 201 county he or she may deputize the sheriff or a deputy sheriff
 202 for such purpose.

203 Section 13. Section 25.262, Florida Statutes, is repealed.

204 Section 14. Section 25.265, Florida Statutes, is created
 205 to read:

206 25.265 Supreme Court Building.—The Supreme Court Building
 207 shall be located at 2000 Drayton Drive, Tallahassee, Florida.

208 Section 15. Section 25.281, Florida Statutes, is repealed.

209 Section 16. Section 25.291, Florida Statutes, is repealed.

210 Section 17. Section 25.341, Florida Statutes, is amended
 211 to read:

212 25.341 Library of Supreme Court, custodian.—The library of
 213 the Supreme Court shall be in custody of the librarian appointed
 214 by the court, ~~who shall be subject to its direction.~~ Books for
 215 the library may be acquired by purchase or by exchange. The
 216 library may be located in a building other than the Supreme
 217 Court Building.

218 Section 18. Section 25.351, Florida Statutes, is repealed.

219 Section 19. Section 25.371, Florida Statutes, is repealed.

220 Section 20. Subsection (2) of section 43.20, Florida
 221 Statutes, is amended to read:

222 43.20 Judicial Qualifications Commission.—

223 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15
 224 ~~13~~ members. The members of the commission shall serve for terms
 225 of 6 years.

226 Section 21. Paragraph (b) of subsection (2) of section
 227 215.32, Florida Statutes, is amended to read:

228 215.32 State funds; segregation.—

229 (2) The source and use of each of these funds shall be as
 230 follows:

231 (b)1. The trust funds shall consist of moneys received by
 232 the state which under law or under trust agreement are
 233 segregated for a purpose authorized by law. The state agency or
 234 branch of state government receiving or collecting such moneys
 235 shall be responsible for their proper expenditure as provided by
 236 law. Upon the request of the state agency or branch of state
 237 government responsible for the administration of the trust fund,
 238 the Chief Financial Officer may establish accounts within the
 239 trust fund at a level considered necessary for proper
 240 accountability. Once an account is established within a trust
 241 fund, the Chief Financial Officer may authorize payment from
 242 that account only upon determining that there is sufficient cash
 243 and releases at the level of the account.

244 2. In addition to other trust funds created by law, to the
 245 extent possible, each agency shall use the following trust funds
 246 as described in this subparagraph for day-to-day operations:

247 a. Operations or operating trust fund, for use as a
 248 depository for funds to be used for program operations funded by
 249 program revenues, with the exception of administrative

250 | activities when the operations or operating trust fund is a
 251 | proprietary fund.

252 | b. Operations and maintenance trust fund, for use as a
 253 | depository for client services funded by third-party payors.

254 | c. Administrative trust fund, for use as a depository for
 255 | funds to be used for management activities that are departmental
 256 | in nature and funded by indirect cost earnings and assessments
 257 | against trust funds. Proprietary funds are excluded from the
 258 | requirement of using an administrative trust fund.

259 | d. Grants and donations trust fund, for use as a
 260 | depository for funds to be used for allowable grant or donor
 261 | agreement activities funded by restricted contractual revenue
 262 | from private and public nonfederal sources.

263 | e. Agency working capital trust fund, for use as a
 264 | depository for funds to be used pursuant to s. 216.272.

265 | f. Clearing funds trust fund, for use as a depository for
 266 | funds to account for collections pending distribution to lawful
 267 | recipients.

268 | g. Federal grant trust fund, for use as a depository for
 269 | funds to be used for allowable grant activities funded by
 270 | restricted program revenues from federal sources.

271 |
 272 | To the extent possible, each agency must adjust its internal
 273 | accounting to use existing trust funds consistent with the
 274 | requirements of this subparagraph. If an agency does not have
 275 | trust funds listed in this subparagraph and cannot make such
 276 | adjustment, the agency must recommend the creation of the
 277 | necessary trust funds to the Legislature no later than the next

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278 | scheduled review of the agency's trust funds pursuant to s.
279 | 215.3206.

280 | 3. All such moneys are hereby appropriated to be expended
281 | in accordance with the law or trust agreement under which they
282 | were received, subject always to the provisions of chapter 216
283 | relating to the appropriation of funds and to the applicable
284 | laws relating to the deposit or expenditure of moneys in the
285 | State Treasury.

286 | 4.a. Notwithstanding any provision of law restricting the
287 | use of trust funds to specific purposes, unappropriated cash
288 | balances from selected trust funds may be authorized by the
289 | Legislature for transfer to the Budget Stabilization Fund and
290 | General Revenue Fund in the General Appropriations Act.

291 | b. This subparagraph does not apply to trust funds
292 | required by federal programs or mandates; trust funds
293 | established for bond covenants, indentures, or resolutions whose
294 | revenues are legally pledged by the state or public body to meet
295 | debt service or other financial requirements of any debt
296 | obligations of the state or any public body; the State Courts
297 | Revenue Trust Fund; the Division of Licensing Trust Fund in the
298 | Department of Agriculture and Consumer Services; the State
299 | Transportation Trust Fund; the trust fund containing the net
300 | annual proceeds from the Florida Education Lotteries; the
301 | Florida Retirement System Trust Fund; trust funds under the
302 | management of the State Board of Education or the Board of
303 | Governors of the State University System, where such trust funds
304 | are for auxiliary enterprises, self-insurance, and contracts,
305 | grants, and donations, as those terms are defined by general

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306 law; trust funds that serve as clearing funds or accounts for
 307 the Chief Financial Officer or state agencies; trust funds that
 308 account for assets held by the state in a trustee capacity as an
 309 agent or fiduciary for individuals, private organizations, or
 310 other governmental units; and other trust funds authorized by
 311 the State Constitution.

312 Section 22. Section 272.04, Florida Statutes, is amended
 313 to read:

314 272.04 Department to allocate space.—The Department of
 315 Management Services shall have authority to allocate space to
 316 house the various departments, agencies, boards, and commissions
 317 in said buildings, excepting, however, the ~~new~~ Supreme Court
 318 Building, for which authority shall be vested in the marshal
 319 ~~justices~~ of the Supreme Court.

320 Section 23. Subsection (3) of section 440.29, Florida
 321 Statutes, is amended to read:

322 440.29 Procedure before the judge of compensation claims.—

323 (3) The practice and procedure before the judges of
 324 compensation claims shall be governed by rules adopted by the
 325 Office of the Judges of Compensation Claims ~~Supreme Court~~,
 326 except to the extent that such rules conflict with ~~the~~
 327 ~~provisions~~ of this chapter.

328 Section 24. Contingent upon passage by the voters of House
 329 Joint Resolution 7111 or a similar joint resolution having
 330 substantially the same specific intent and purpose, there is
 331 appropriated:

332 (1) The sum of \$ for three additional Supreme Court
 333 Justices.

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334 (2) The sum of \$ for additional judicial assistants and
335 other staff for Supreme Court Justices.

336 Section 25. This act shall take effect on the effective
337 date of House Joint Resolution 7111, or a similar joint
338 resolution having substantially the same specific intent and
339 purpose, if that joint resolution is approved by the electors at
340 the general election to be held in November 2012.