

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.