

By the Committee on Judiciary; and Senator Steube

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1 A bill to be entitled
2 An act relating to the Florida Court Educational
3 Council; amending s. 25.384, F.S.; specifying that the
4 Court Education Trust Fund shall be administered by
5 the Florida Court Educational Council; deleting a
6 provision requiring the council to provide an annual
7 report; amending s. 25.385, F.S.; specifying the
8 membership, voting procedures, and duties of the
9 council; specifying the location of the council
10 headquarters; requiring the council to submit an
11 annual report concerning educational and training
12 programs for judges and other personnel; providing for
13 nonseverability; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (1), (2), and (4) of section 25.384,
18 Florida Statutes, are amended to read:

19 25.384 Court Education Trust Fund.—

20 (1) There is created a Court Education Trust Fund to be
21 administered by ~~the Supreme Court through~~ the Florida Court
22 Educational Council as set forth in s. 25.385.

23 (2) (a) The Florida Court Educational Council shall adopt a
24 comprehensive plan for the operation of the Court Education
25 Trust Fund and the expenditure of the moneys deposited in the
26 trust fund.

27 (b) The plan shall provide for travel, per diem, tuition,
28 educational materials, and other related costs incurred for in-
29 state and out-of-state education and training programs for

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30 judges and other court personnel to benefit the judiciary of the
31 state. Such ~~The trust fund moneys shall be used to provide~~
32 education and training programs shall be for judges and other
33 ~~court personnel as defined and determined by the Florida Court~~
34 Educational council as set forth in s. 25.385.

35 ~~(b) The Supreme Court, through its Florida Court~~
36 ~~Educational Council, shall adopt a comprehensive plan for the~~
37 ~~operation of the trust fund and the expenditure of the moneys~~
38 ~~deposited in the trust fund. The plan shall provide for travel,~~
39 ~~per diem, tuition, educational materials, and other related~~
40 ~~costs incurred for educational programs, in and out of state,~~
41 ~~which will be of benefit to the judiciary of the state.~~

42 ~~(4) The Supreme Court, through the Florida Court~~
43 ~~Educational Council, shall submit a report each year, on October~~
44 ~~1, to the President of the Senate and the Speaker of the House~~
45 ~~of Representatives, which report shall include the total number~~
46 ~~of judges and other court personnel attending each training or~~
47 ~~educational program, the educational program attended and the~~
48 ~~location of the program, and the costs incurred. In addition,~~
49 ~~the report shall identify the judges and other court personnel~~
50 ~~attending out-of-state programs and the costs associated with~~
51 ~~such programs. The report shall also show the total dollars~~
52 ~~deposited in the fund for the fiscal year and the balance at the~~
53 ~~end of the fiscal year.~~

54 Section 2. Section 25.385, Florida Statutes, is amended to
55 read:

56 25.385 Florida Court Educational Council; composition;
57 duties; reports standards for instruction of circuit and county
58 court judges in handling domestic violence cases.-

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59 (1) (a) The membership of the Florida Court Educational
60 Council, as it was constituted before January 1, 2018, is
61 terminated and replaced as provided in this section. The Florida
62 Court Educational Council shall consist of 17 members. All of
63 the members must be active judges.

64 1. Two members of the council shall be elected to staggered
65 terms by the Florida Conference of District Court of Appeal
66 Judges from its membership pursuant to conference adopted
67 procedures. One council member shall be elected for a term
68 ending December 31, 2019, and subsequently for 2-year terms
69 ending on December 31 of each odd-numbered year and the other
70 council member shall be elected for a term ending on December
71 31, 2020, and subsequently for 2-year terms ending on December
72 31 of each even-numbered year.

73 2. Ten members of the council shall be elected to staggered
74 terms by the Florida Conference of Circuit Court Judges from its
75 membership pursuant to conference adopted procedures. Five
76 council members shall each be elected for a term ending December
77 31, 2019, and subsequently for 2-year terms ending on December
78 31 of each odd-numbered year. The five remaining council members
79 shall each be elected for a term ending on December 31, 2020,
80 and subsequently for 2-year terms ending on December 31 of each
81 even-numbered year.

82 3. Five members of the council shall be elected to
83 staggered terms by the Florida Conference of County Court Judges
84 from its membership pursuant to conference adopted procedures.
85 Three council members shall each be elected for a term ending
86 December 31, 2019, and subsequently for 2-year terms ending on
87 December 31 of each odd-numbered year. The two remaining council

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88 members shall each be elected for a term ending on December 31,
89 2020, and subsequently for 2-year terms ending on December 31 of
90 each even-numbered year.

91 4. Each vacancy shall be filled for the remainder of an
92 unexpired term in the same manner as the original appointment.

93 5. Council members may serve consecutive terms.

94 6. The council shall elect a chair from its membership for
95 a 1-year term to preside at all council meetings. The council
96 shall also elect other officers from its membership as it deems
97 necessary.

98 (b) A majority of the council members shall constitute a
99 quorum, and the affirmative vote of a majority of the members
100 present shall be necessary for any action to be taken by the
101 council.

102 (c) The administrative duties of the council include:

103 1. Adopting guidelines on permissible administrative
104 expenses. The council shall minimize administrative expenses and
105 maximize educational opportunities for judges and judicial
106 staff.

107 a. Administrative expenses include office space expenses;
108 salaries for full-time employees, or the equivalent, unless such
109 employees teach judges or judicial staff on a full-time basis;
110 compensation for part-time assistance, unless such individuals
111 are retained to teach judges or judicial staff; and equipment
112 and supplies purchased or leased by the council. Upon approval
113 of the council, any employee who documents time spent teaching
114 judges or judicial staff on less than a full-time basis may have
115 the pro-rata portion of his or her salary deducted from the
116 calculation of administrative expenses.

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117 b. As part of the report required by subsection (3), the
118 council shall provide a description of all efforts the council
119 has made to reduce administrative expenses below 44 percent.
120 This part of the report is not required for any year in which
121 the council spends less than 25 percent of the previous year's
122 gross receipts on administrative expenses.

123 2. Adopting policies and guidelines related to the
124 selection of continuing judicial and judicial staff education
125 and training programs, approval of courses for such programs,
126 and selection of participants. The council shall also develop
127 and fund appropriate education and training programs for new
128 trial judges, appellate judges, child support hearing officers,
129 and magistrates.

130 3. Adopting reporting formats.

131 4. Employing and supervising all council employees. Council
132 employees shall report only to the chair of the council and may
133 not be assigned any duties except those dealing directly with
134 court education. It is unlawful to require a council employee to
135 perform duties unrelated to judicial or judicial staff education
136 if such duties are not authorized by the council. The council
137 may not employ more than 15 full-time employees. The council
138 must employ less than 15 full-time employees if the council
139 determines that the judicial and judicial staff education
140 training objectives of the council can be accomplished with
141 fewer than 15 employees.

142 (d) The council and its employees shall be headquartered at
143 the First District Court of Appeal.

144 (2) (a) ~~(1)~~ The ~~Florida Court Educational~~ council shall
145 establish standards for instruction of circuit and county court

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146 judges who have responsibility for domestic violence cases, and
147 the council shall provide such instruction on a periodic and
148 timely basis.

149 ~~(b)(2)~~ As used in this subsection, ~~section:~~

150 ~~(a)~~ the term "domestic violence" has the meaning set forth
151 in s. 741.28.

152 ~~(b)~~ ~~"Family or household member"~~ has the meaning set forth
153 ~~in s. 741.28.~~

154 (3) The council shall submit a report each year, on October
155 1, to the President of the Senate and the Speaker of the House
156 of Representatives that includes the total number of judges and
157 other court personnel attending each in-state training or
158 educational program, the training or educational program
159 attended and the location of the program, and the costs
160 incurred. The report shall also identify the judges and other
161 court personnel attending out-of-state training or educational
162 programs and the costs associated with such programs. The report
163 shall identify the total dollars deposited into the trust fund
164 for the fiscal year and the balance in the trust fund at the end
165 of the fiscal year.

166 Section 3. If any provision contained in section 1 or
167 section 2 of this act is declared invalid for any reason, then
168 sections 1 and 2 of this act shall be declared invalid, the fees
169 that would be directed to the Court Education Trust Fund may not
170 be assessed pursuant to ss. 28.2401(3), 28.241(1)(a)1.c.,
171 28.241(1)(a)2.e., and 34.041(1)(b), the remaining unencumbered
172 funds in the Court Education Trust Fund shall revert to the
173 General Revenue Fund, and the trust fund shall be terminated.

174 Section 4. This act shall take effect January 1, 2018.