

1 A bill to be entitled
 2 An act relating to the Supreme Court; amending ss. 1.01,
 3 10.001, 11.513, 11.90, 11.9005, 16.01, 16.061, 16.101,
 4 17.13, 20.055, 25.031, 25.041, 25.075, 25.181, 25.191,
 5 25.241, 25.251, 25.271, 25.341, 25.375, 25.382, 25.383,
 6 25.384, 25.386, 26.55, 26.57, 27.05, 27.14, 27.151, 27.40,
 7 27.405, 27.51, 27.511, 27.512, 27.52, 27.5303, 27.5304,
 8 27.7081, 27.709, 27.7091, 27.710, 27.711, 28.22205,
 9 28.241, 28.35, 28.36, 29.001, 29.004, 30.15, 34.01,
 10 34.181, 35.07, 35.28, 38.07, 39.4075, 39.501, 39.824,
 11 39.8296, 40.001, 40.225, 43.26, 43.30, 44.102, 44.103,
 12 44.104, 44.106, 44.107, 44.108, 44.402, 57.082, 57.101,
 13 59.081, 59.45, 61.125, 61.183, 75.08, 90.902, 100.371,
 14 105.036, 112.215, 112.321, 112.324, 121.091, 121.591,
 15 215.91, 216.011, 216.0158, 216.023, 216.043, 216.044,
 16 216.131, 216.163, 216.177, 216.179, 216.181, 216.1815,
 17 216.1826, 216.1827, 216.192, 216.195, 216.212, 216.221,
 18 216.262, 216.292, 216.301, 272.04, 287.059, 288.9606,
 19 318.30, 318.34, 350.128, 364.381, 366.10, 366.8260,
 20 368.112, 379.332, 383.0115, 390.01114, 397.333, 397.484,
 21 400.0233, 402.56, 403.1837, 403.519, 421.17, 429.293,
 22 429.87, 440.106, 440.25, 440.271, 440.29, 440.32, 440.442,
 23 454.021, 454.31, 454.32, 489.533, 627.7015, 723.038,
 24 744.703, 752.015, 753.03, 766.107, 766.206, 766.311,
 25 768.79, 849.42, 877.02, 905.33, 905.37, 907.041, 918.19,
 26 921.141, 921.142, 922.105, 922.14, 922.15, 924.055,
 27 924.056, 924.057, 924.058, 924.059, 925.12, 934.02,
 28 939.185, 944.096, 984.15, 984.151, 984.18, 985.16,

29 | 985.318, and 985.66, F.S.; implementing provisions of the
 30 | joint resolution creating the Supreme Court of Civil
 31 | Appeals and the Supreme Court of Criminal Appeals;
 32 | clarifying jurisdiction of the Supreme Courts; creating s.
 33 | 25.015, F.S.; providing for jurisdiction, membership, and
 34 | headquarters of the Supreme Court of Civil Appeals;
 35 | creating s. 25.025, F.S.; providing for jurisdiction,
 36 | membership, and headquarters of the Supreme Court of
 37 | Criminal Appeals; creating s. 25.265, F.S.; providing for
 38 | the location of the Supreme Court Building; repealing s.
 39 | 25.032, F.S., relating to certification of questions of
 40 | law, rules and regulations; repealing s. 25.051, F.S.,
 41 | relating to terms of the supreme court; repealing s.
 42 | 25.151, F.S., relating to the practice of law by retired
 43 | justices of the Supreme Court; repealing s. 25.201, F.S.,
 44 | relating to the appointment of a deputy clerk of the
 45 | Supreme Court; repealing s. 25.211, F.S., relating to the
 46 | location of the Supreme Court clerk's office; repealing s.
 47 | 25.221, F.S., relating to the custody of books, papers,
 48 | records, files, and the seal of the Supreme Court;
 49 | repealing s. 25.231, F.S., relating to the duties of the
 50 | Supreme Court clerk; repealing s. 25.262, F.S., relating
 51 | to the Supreme Court marshal's power to execute the
 52 | process of the court; repealing s. 25.281, F.S., relating
 53 | to the compensation of the Supreme Court marshal;
 54 | repealing s. 25.291, F.S., relating to the deposit of
 55 | fines for contempt of the Supreme Court; repealing s.

PCB CVJS 11-07

ORIGINAL

2011

56 25.351, F.S., relating to the acquisition of books for the
 57 library of the Supreme Court; providing an effective date.
 58

59 Be It Enacted by the Legislature of the State of Florida:
 60

61 Section 1. Subsection (16) is added to section 1.01,
 62 Florida Statutes, to read:

63 1.01 Definitions.—In construing these statutes and each
 64 and every word, phrase, or part hereof, where the context will
 65 permit:

66 (16) References to the "Supreme Court" referring to the
 67 Florida Supreme Court, shall mean the former Supreme Court of
 68 Florida, the Supreme Court of Civil Appeals or the Supreme Court
 69 of Criminal Appeals, as appropriate.

70 Section 2. Section 10.001, Florida Statutes, is amended to
 71 read:

72 10.001 Legislative representation.—Beginning with the
 73 general election held in the second year following each
 74 decennial census, the representation of the people of Florida in
 75 the Florida Legislature shall be as set forth earlier in such
 76 year by the Legislature by joint resolution or by the Supreme
 77 Court of Civil Appeals by order, as the case may be. A joint
 78 resolution of apportionment or an order of the Supreme Court of
 79 Civil Appeals adopted or entered pursuant to s. 16 of Art. III
 80 of the State Constitution shall be included in the Florida
 81 Statutes in the same manner as a statute.

82 Section 3. Subsections (2) and (5) of section 11.513,
 83 Florida Statutes, are amended to read:

84 11.513 Program evaluation and justification review.-

85 (2) A state agency's inspector general, internal auditor,
 86 or other person designated by the agency head or the Office of
 87 the State Court Administrator ~~Chief Justice of the Supreme Court~~
 88 shall develop, in consultation with the Office of Program Policy
 89 Analysis and Government Accountability, a plan for monitoring
 90 and reviewing the state agency's or the judicial branch's major
 91 programs to ensure that performance measures and standards, as
 92 well as baseline and previous-year performance data, are
 93 maintained and supported by agency records.

94 (5) The Office of Program Policy Analysis and Government
 95 Accountability may perform evaluation and justification reviews
 96 when necessary and as directed by the Legislature in order to
 97 determine whether current agency and judicial branch performance
 98 measures and standards are adequate. Reports concerning the
 99 evaluation and review of agency and judicial branch performance
 100 measures and standards shall be submitted to the Executive
 101 Office of the Governor, the President of the Senate, the Speaker
 102 of the House of Representatives, and the chair and vice chair of
 103 the Legislative Budget Commission. Reports concerning the
 104 evaluation and review of the judicial branch performance
 105 measures and standards shall be submitted to the Office of the
 106 State Court Administrator ~~Chief Justice of the Supreme Court~~.

107 Section 4. Subsection (6) of section 11.90, Florida
 108 Statutes, is amended to read:

109 11.90 Legislative Budget Commission.-

110 (6) The commission shall have the power and duty to:

111 (a) Review and approve or disapprove budget amendments

112 recommended by the Governor or the Office of the State Court
 113 Administrator ~~Chief Justice of the Supreme Court~~ as provided in
 114 chapter 216.

115 (b) Develop the long-range financial outlook described in
 116 s. 19, Art. III of the State Constitution.

117
 118 In addition to the powers and duties specified in this
 119 subsection, the commission shall exercise all other powers and
 120 perform any other duties prescribed by the Legislature.

121 Section 5. Subsection (6) of section 11.9005, Florida
 122 Statutes, is amended to read:

123 11.9005 Government Efficiency Task Force.—

124 (6) The task force shall complete its work within 1 year
 125 and submit its recommendations to the chairperson and vice
 126 chairperson of the Legislative Budget Commission, the Governor,
 127 and the Office of the State Court Administrator ~~Chief Justice of~~
 128 ~~the Supreme Court~~. The task force may submit all or part of its
 129 recommendations at any time during the year, but a final report
 130 summarizing its recommendations must be submitted at the
 131 completion of its work.

132 Section 6. Subsection (4) of section 16.01, Florida
 133 Statutes, is amended to read:

134 16.01 Residence, office, and duties of Attorney General.—

135 The Attorney General:

136 (4) Shall appear in and attend to, in behalf of the state,
 137 all suits or prosecutions, civil or criminal or in equity, in
 138 which the state may be a party, or in anywise interested, in the
 139 appropriate Supreme Court and district courts of appeal of this

140 state.

141 Section 7. Subsection (1) of section 16.061, Florida
 142 Statutes, is amended to read:

143 16.061 Initiative petitions.—

144 (1) The Attorney General shall, within 30 days after
 145 receipt of a proposed revision or amendment to the State
 146 Constitution by initiative petition from the Secretary of State,
 147 petition the Supreme Court of Civil Appeals, requesting an
 148 advisory opinion regarding the compliance of the text of the
 149 proposed amendment or revision with s. 3, Art. XI of the State
 150 Constitution and the compliance of the proposed ballot title and
 151 substance with s. 101.161. The petition may enumerate any
 152 specific factual issues that the Attorney General believes would
 153 require a judicial determination.

154 Section 8. Section 16.101, Florida Statutes, is amended to
 155 read:

156 16.101 Supreme Court reporter.—The Attorney General shall
 157 be the reporter for each ~~the~~ Supreme Court.

158 Section 9. Subsection (1) of section 17.13, Florida
 159 Statutes, is amended to read:

160 17.13 To duplicate warrants lost or destroyed.—

161 (1) The Chief Financial Officer is required to duplicate
 162 any Chief Financial Officer's warrants that may have been lost
 163 or destroyed, or may hereafter be lost or destroyed, upon the
 164 owner thereof or the owner's agent or attorney presenting the
 165 Chief Financial Officer the statement, under oath, reciting the
 166 number, date, and amount of any warrant or the best and most
 167 definite description in his or her knowledge and the

PCB CVJS 11-07

ORIGINAL

2011

168 | circumstances of its loss; if the Chief Financial Officer deems
 169 | it necessary, the owner or the owner's agent or attorney shall
 170 | file in the office of the Chief Financial Officer a surety bond,
 171 | or a bond with securities, to be approved by one of the judges
 172 | of the circuit court or one of the justices of the Supreme Court
 173 | of Civil Appeals, in a penalty of not less than twice the amount
 174 | of any warrants so duplicated, conditioned to indemnify the
 175 | state and any innocent holders thereof from any damages that may
 176 | accrue from such duplication.

177 | Section 10. Paragraph (b) of subsection (1) of section
 178 | 20.055, Florida Statutes, is amended to read:

179 | 20.055 Agency inspectors general.—

180 | (1) For the purposes of this section:

181 | (b) "Agency head" means the Governor, a Cabinet officer, a
 182 | secretary as defined in s. 20.03(5), or an executive director as
 183 | defined in s. 20.03(6). It also includes the chair of the Public
 184 | Service Commission, the Director of the Office of Insurance
 185 | Regulation of the Financial Services Commission, the Director of
 186 | the Office of Financial Regulation of the Financial Services
 187 | Commission, and the Chief Justices ~~Justice~~ of the State Supreme
 188 | Court.

189 | Section 11. Section 25.015, Florida Statutes, is created
 190 | to read:

191 | 25.015 Supreme Court of Civil Appeals.—

192 | (1) The jurisdiction and membership of the Supreme Court of
 193 | Civil Appeals shall be as provided in art. V of the State
 194 | Constitution.

195 (2) The Supreme Court of Civil Appeals shall be
 196 headquartered in the Supreme Court Building.

197 Section 12. Section 25.025, Florida Statutes, is created
 198 to read:

199 25.025 Supreme Court of Criminal Appeals.—

200 (1) The jurisdiction and membership of the Supreme Court of
 201 Criminal Appeals shall be as provided in art. V of the State
 202 Constitution.

203 (2) The Supreme Court of Criminal Appeals shall be
 204 headquartered in the Supreme Court Building.

205 Section 13. Section 25.031, Florida Statutes, is amended
 206 to read:

207 25.031 Supreme Courts ~~Court~~ authorized to receive and
 208 answer certificates as to state law from federal appellate
 209 courts.—

210 (1) The appropriate Supreme Court of this state may, by
 211 rule of court, provide that, when it shall appear to the Supreme
 212 Court of the United States, to any circuit court of appeals of
 213 the United States, or to the Court of Appeals of the District of
 214 Columbia, that there are involved in any proceeding before it
 215 questions or propositions of the laws of this state, which are
 216 determinative of the said cause, and there are no clear
 217 controlling precedents in the decisions of the appropriate
 218 Supreme Court of this state, such federal appellate court may
 219 certify such questions or propositions of the laws of this state
 220 to the appropriate Supreme Court of this state for instructions
 221 concerning such questions or propositions of state law, which
 222 certificate the appropriate Supreme Court of this state, by

223 written opinion, may answer.

224 (2) Each Supreme Court of this state is hereby authorized
 225 and empowered to collaborate with any and all other courts of
 226 last resort, of other states and of the United States, in the
 227 preparation and approval of uniform rules of court to make
 228 effective this and similar laws.

229 Section 14. Section 25.032, Florida Statutes, is repealed.

230 Section 15. Section 25.041, Florida Statutes, is amended
 231 to read:

232 25.041 Power to execute its judgments, decrees, and
 233 determinations.—

234 (1) Each ~~The~~ Supreme Court is vested with all the power
 235 and authority necessary for carrying into complete execution all
 236 its judgments, decrees and determinations in the matters before
 237 it, agreeable to the usage and principles of law.

238 (2) No judgment of either ~~the~~ Supreme Court shall take
 239 effect until the decision of the court in such case shall be
 240 filed with the clerk of said court.

241 Section 16. Section 25.051, Florida Statutes, is repealed.

242 Section 17. Section 25.075, Florida Statutes, is amended
 243 to read:

244 25.075 Uniform case reporting system.—

245 (1) The Supreme Court of Civil Appeals ~~Court~~ shall develop
 246 a uniform civil case reporting system. The Supreme Court of
 247 Criminal Appeals shall develop a uniform criminal case reporting
 248 system. The two systems shall be coordinated with one another in
 249 order to standardize input and reporting requirements. The two
 250 systems shall include, ~~including~~ a uniform means of reporting

251 categories of cases, time required in the disposition of cases,
 252 and manner of disposition of cases.

253 (2) If any clerk shall willfully fail to report ~~to the~~
 254 ~~Supreme Court~~ as directed by the courts ~~court~~, the clerk shall
 255 be guilty of misfeasance in office.

256 (3) The Auditor General shall audit the reports made to
 257 the Supreme Courts ~~Court~~ in accordance with the uniform system
 258 established by the appropriate Supreme Court.

259 Section 18. Section 25.151, Florida Statutes, is
 260 repealed.

261 Section 19. Section 25.181, Florida Statutes, is amended
 262 to read:

263 25.181 Records ~~Record~~ of prior courts ~~territorial court~~ of
 264 ~~appeals.~~

265 (1) The files, rolls and books of record of the courts of
 266 appeals of the late Territory of Florida, so far as the same, by
 267 the concurrence of the Congress and of the Legislature of this
 268 state, may relate to matters of appropriate state authority and
 269 jurisdiction, are placed in the custody and under the control of
 270 the Clerk ~~Supreme Court of this state~~, and are files, rolls and
 271 records of the ~~said~~ Supreme Courts. ~~Court;~~ and The courts ~~said~~
 272 ~~court~~ may lawfully have and exercise such judicial cognizance
 273 and power over them as it may lawfully have and exercise over
 274 its own files, rolls and records.

275 (2) The files, rolls and books of record of the Supreme
 276 Court of Florida are placed in the custody and under the control
 277 of the Clerk, and are files, rolls and records of the Supreme
 278 Courts. The courts may lawfully have and exercise such judicial

279 cognizance and power over them as it may lawfully have and
 280 exercise over its own files, rolls and records.

281 Section 20. Section 25.191, Florida Statutes, is amended
 282 to read:

283 25.191 Clerk of Supreme Courts ~~Court~~.—

284 (1) The Supreme Courts ~~Court~~ shall appoint a Clerk ~~of the~~
 285 ~~Supreme Court~~, who shall hold office during the pleasure of the
 286 courts ~~court~~.

287 (2) The clerk may appoint a deputy or deputies who, being
 288 duly sworn, may discharge all of the duties of the office of
 289 clerk during his or her absence. The clerk shall be responsible
 290 for the acts of any deputy.

291 (3) All books, papers, records, files, and the seal of each
 292 Supreme Court shall be kept in the office of the clerk and in
 293 the clerk's custody. The clerk shall keep the books, papers,
 294 records, files and the seal of each Supreme Court separate from
 295 the other.

296 Section 21. Section 25.201, Florida Statutes, is repealed.

297 Section 22. Section 25.211, Florida Statutes, is repealed.

298 Section 23. Section 25.221, Florida Statutes, is repealed.

299 Section 24. Section 25.231, Florida Statutes, is repealed.

300 Section 25. Section 25.241, Florida Statutes, is amended
 301 to read:

302 25.241 ~~Clerk of Supreme Court; compensation; assistants;~~
 303 Filing fees; duties of the clerk, etc.—

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

306 (2) ~~The Clerk of the Supreme Court is authorized to employ~~

307 ~~such deputies and clerical assistants as may be necessary. Their~~
 308 ~~number and compensation shall be approved by the court. The~~
 309 ~~compensation of such employees shall be paid from the annual~~
 310 ~~appropriation for the appropriate Supreme Court.~~

311 ~~(1)(3)~~(a) The Clerk ~~of the Supreme Court~~ is hereby
 312 required to collect, upon the filing of a certified copy of a
 313 notice of appeal or petition, \$300 for each case docketed, and
 314 for copying, certifying, or furnishing opinions, records,
 315 papers, or other instruments, except as otherwise herein
 316 provided, the same fees that are allowed clerks of the circuit
 317 court; however, no fee shall be less than \$1. ~~The State of~~
 318 ~~Florida or its agencies, when appearing as appellant or~~
 319 ~~petitioner, is exempt from the filing fees required in this~~
 320 ~~subsection.~~ From each attorney appearing pro hac vice, the Clerk
 321 ~~of the Supreme Court~~ shall collect an additional fee of \$100 ~~to~~
 322 ~~be deposited into the General Revenue Fund.~~

323 (b) Upon the filing of a notice of cross-appeal, or a
 324 notice of joinder or motion to intervene as an appellant, cross-
 325 appellant, or petitioner, the Clerk ~~of the Supreme Court~~ shall
 326 charge and collect a filing fee of \$295.

327 ~~(c) The clerk shall remit the fee to the Department of~~
 328 ~~Revenue for deposit into the General Revenue Fund. The state and~~
 329 ~~its agencies are exempt from paying any the filing fee or other~~
 330 ~~cost required in this subsection paragraph.~~

331 ~~(2)(4)~~ The Clerk ~~of the Supreme Court~~ is hereby
 332 authorized, immediately after a case is disposed of, to supply
 333 the judge who tried the case and from whose order, judgment, or
 334 decree, appeal or other review is taken and any court which

335 reviewed it, a copy of all opinions, orders, or judgments filed
 336 in such case. Copies of opinions, orders, and decrees shall be
 337 furnished in all cases to each attorney of record; copies for
 338 publication in Florida reports shall be without charge; and
 339 copies furnished to the law book publishers shall be at one-half
 340 the regular statutory fee.

341 (3)~~(5)~~ The Clerk ~~of the Supreme Court~~ is hereby required
 342 to prepare a statement of all monies ~~fees~~ collected each month
 343 and remit such statement, together with all monies ~~fees~~
 344 collected by him or her, to the Chief Financial Officer. The
 345 Chief Financial Officer shall deposit \$250 of each \$300 filing
 346 fee and all other fees or monies collected into the General
 347 Revenue Fund. The Chief Financial Officer shall deposit \$50 of
 348 each filing fee collected into the State Courts Revenue Trust
 349 Fund to fund court operations as authorized in the General
 350 Appropriations Act.

351 Section 26. Section 25.251, Florida Statutes, is amended
 352 to read:

353 25.251 Marshal of Supreme Courts ~~Court~~; appointment;
 354 training; process.-

355 (1) The Supreme Courts ~~Court~~ shall jointly appoint a
 356 marshal who shall hold office during the pleasure of the courts
 357 ~~court~~.

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

362 (3) The marshal shall have the power to execute the process

363 of the Supreme Courts throughout the state, and in any county he
 364 or she may deputize the sheriff or a deputy sheriff for such
 365 purpose.

366 Section 27. Section 25.262, Florida Statutes, is repealed.

367 Section 28. Section 25.265, Florida Statutes, is created
 368 to read:

369 25.265 Supreme Court Building.—The Supreme Court Building
 370 shall be at 2000 Drayton Drive, Tallahassee, Florida.

371 Section 29. Section 25.271, Florida Statutes, is amended
 372 to read:

373 25.271 Custody of Supreme Court Building and grounds.—

374 (1) The ~~said~~ marshal shall, under the direction of the
 375 Supreme Courts ~~Court~~, be custodian of the Supreme Court Building
 376 and grounds and shall keep the same clean, sanitary, and free of
 377 trespassers and marauders and shall maintain the same in good
 378 state of repair and cause the grounds to be beautified and
 379 preserved against depredations and trespasses.

380 (2) The marshal and his or her assistants shall be
 381 conservators of the peace in the Supreme Court Building, or in
 382 any building in which either ~~the~~ Supreme Court is sitting, and
 383 shall apprehend without warrant any person disturbing the peace
 384 and deliver that person to the appropriate law enforcement
 385 officer of the municipality or county in which further
 386 proceedings may be held according to law.

387 Section 30. Section 25.281, Florida Statutes, is repealed.

388 Section 31. Section 25.291, Florida Statutes, is repealed.

389 Section 32. Section 25.341, Florida Statutes, is amended
 390 to read:

391 25.341 ~~Library of Supreme Court~~, custodian.—The library of
 392 the Supreme Courts Court shall be in custody of the librarian
 393 appointed by the Court of Civil Appeals, ~~who shall be subject to~~
 394 ~~its direction~~. Books for the library may be acquired by purchase
 395 or by exchange. The library may be located in a building other
 396 than the Supreme Court Building.

397 Section 33. Section 25.351, Florida Statutes, is repealed.

398 Section 34. Section 25.375, Florida Statutes, is amended
 399 to read:

400 25.375 Identification of related cases.—The Supreme Courts
 401 ~~Court~~ may create a unique identifier for each person by which to
 402 identify all court cases related to that person or his or her
 403 family previously or currently in the court system. The unique
 404 identifier must be the same for that person in any court case.
 405 To create the unique identifier, the court may collect a portion
 406 of the person's social security number or other personal
 407 identification information, such as the person's date of birth.
 408 Failure to provide a social security number for this purpose may
 409 not be grounds to deny any services, rights, or remedies
 410 otherwise provided by law. To implement a unique identifier, the
 411 Courts ~~Supreme Court~~ may require the revision of only those
 412 information technology systems that are directly operated and
 413 funded by the state court system.

414 Section 35. Section 25.382, Florida Statutes, is amended
 415 to read:

416 25.382 State courts system.—

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

419 Civil Appeals, the Supreme Court of Criminal Appeals, district
 420 courts of appeal, circuit courts, and county courts.

421 (2) It is declared and determined that the officers,
 422 employees, committees, and divisions of the state courts system
 423 of the judicial branch are and shall continue to be officers,
 424 employees, committees, and divisions of the state courts system
 425 to perform such services as may be provided by the State
 426 Constitution, by law, by rules of practice and procedure adopted
 427 by either ~~the~~ Supreme Court, or by administrative order of
 428 either ~~the~~ Chief Justice, whichever is applicable.

429 (3) The manner of selection of employees, the
 430 determination of qualifications and compensation, and the
 431 establishment of policies relating to the work of such
 432 employees, including hours of work, leave, and other matters,
 433 shall be determined by ~~rule of the Supreme Courts Court as~~
 434 ~~provided in s. 2(a), Art. V of the State Constitution.~~

435 (4) The Supreme Courts Court shall ensure that clearly
 436 written policies, procedures, and goals for the recruitment,
 437 selection, promotion, and retention of minorities, including
 438 minority women, are established throughout all levels of the
 439 judicial system. An annual report shall be submitted to the
 440 Supreme Courts ~~Chief Justice~~ outlining progress, problems, and
 441 corrective actions relating to the implementation of this plan.

442 Section 36. Section 25.383, Florida Statutes, is amended
 443 to read:

444 25.383 Standards for court reporters; procedures; rules of
 445 professional conduct, discipline, and training.—The Supreme
 446 Court of Civil Appeals shall establish minimum standards and

447 | procedures for qualifications, certification, discipline, and
 448 | training for court reporters. The Supreme Court of Civil Appeals
 449 | shall determine the amount of fees to charge applicants for
 450 | certification and renewal of certification. Fees shall be set in
 451 | an amount necessary to recover the full cost of administering
 452 | the certification process. All proceeds from fees collected
 453 | pursuant to this section shall be deposited into the
 454 | Administrative Trust Fund within the state courts. The Supreme
 455 | Court of Civil Appeals may appoint or employ such personnel as
 456 | are necessary to assist the court in exercising its powers and
 457 | performing its duties under this section.

458 | Section 37. Section 25.384, Florida Statutes, is amended
 459 | to read:

460 | 25.384 Court Education Trust Fund.—

461 | (1) There is created a Court Education Trust Fund to be
 462 | administered by the Supreme Court of Civil Appeals through the
 463 | Florida Court Educational Council.

464 | (2) (a) The trust fund moneys shall be used to provide
 465 | education and training for judges and other court personnel as
 466 | defined and determined by the Florida Court Educational Council.

467 | (b) The Supreme Court of Civil Appeals, through its
 468 | Florida Court Educational Council, shall adopt a comprehensive
 469 | plan for the operation of the trust fund and the expenditure of
 470 | the moneys deposited in the trust fund. The plan shall provide
 471 | for travel, per diem, tuition, educational materials, and other
 472 | related costs incurred for educational programs, in and out of
 473 | state, which will be of benefit to the judiciary of the state.

474 | (3) The trust fund shall be funded with moneys generated

475 from fees assessed pursuant to ss. 28.241(1) and 28.2401(3).

476 (4) The Supreme Court of Civil Appeals, through the
 477 Florida Court Educational Council, shall submit a report each
 478 year, on October 1, to the President of the Senate and the
 479 Speaker of the House of Representatives, which report shall
 480 include the total number of judges and other court personnel
 481 attending each training or educational program, the educational
 482 program attended and the location of the program, and the costs
 483 incurred. In addition, the report shall identify the judges and
 484 other court personnel attending out-of-state programs and the
 485 costs associated with such programs. The report shall also show
 486 the total dollars deposited in the fund for the fiscal year and
 487 the balance at the end of the fiscal year.

488 Section 38. Section 25.386, Florida Statutes, is amended
 489 to read:

490 25.386 Foreign language court interpreters.—The Supreme
 491 Court of Civil Appeals shall establish minimum standards and
 492 procedures for qualifications, certification, professional
 493 conduct, discipline, and training of foreign language court
 494 interpreters who are appointed by a court of competent
 495 jurisdiction. The Supreme Court of Civil Appeals shall set fees
 496 to be charged to applicants for certification and renewal of
 497 certification as a foreign language court interpreter. The
 498 revenues generated from such fees shall be used to offset the
 499 costs of administration of the certification program and shall
 500 be deposited into the Administrative Trust Fund within the state
 501 courts system. The Supreme Court of Civil Appeals may appoint or
 502 employ such personnel as are necessary to assist the court in

503 administering this section.

504 Section 39. Paragraph (a) of subsection (3) of section
505 26.55, Florida Statutes, is amended to read:

506 26.55 Conference of Circuit Judges of Florida; duties and
507 reports.—

508 (3) (a) It is declared to be the responsibility of the
509 conference to:

510 1. Consider and make recommendations concerning the
511 betterment of the judicial system of the state and its various
512 parts;

513 2. Consider and make recommendations concerning the
514 improvement of rules and methods of procedure and practice in
515 the several courts; and

516 3. Report to each ~~the~~ Supreme Court such findings and
517 recommendations as the conference may have with reference
518 thereto.

519 Section 40. Section 26.57, Florida Statutes, is amended to
520 read:

521 26.57 Temporary designation of county court judge to
522 preside over circuit court cases.—A county court judge may be
523 designated on a temporary basis to preside over circuit court
524 cases by the Chief Justice of either ~~the~~ Supreme Court upon
525 recommendation of the chief judge of the circuit. He or she may
526 be assigned to exercise all county and circuit court
527 jurisdiction in the county, except appeals from the county
528 court. In addition, he or she may be required to perform the
529 duties of circuit judge in other counties of the circuit as time
530 may permit and as the need arises, as determined by the chief

531 judge of the circuit. A county court judge designated to preside
 532 over circuit court cases shall receive the same salary as a
 533 circuit court judge, to the extent that funds are specifically
 534 appropriated by law for such purposes.

535 Section 41. Section 27.05, Florida Statutes, is amended to
 536 read:

537 27.05 Assisting Attorney General.—In addition to the
 538 duties now imposed upon the several state attorneys of this
 539 state, by statute, they shall assist the Attorney General in the
 540 preparation and presentation of all appeals to the appropriate
 541 Supreme Court, from the circuit court of their respective
 542 circuits, of all cases, civil or criminal, in which the state is
 543 a party.

544 Section 42. Subsections (1) and (2) of section 27.14,
 545 Florida Statutes, are amended to read:

546 27.14 Assigning state attorneys to other circuits.—

547 (1) If any state attorney is disqualified to represent the
 548 state in any investigation, case, or matter pending in the
 549 courts of his or her circuit or if, for any other good and
 550 sufficient reason, the Governor determines that the ends of
 551 justice would be best served, the Governor may, by executive
 552 order filed with the Department of State, either order an
 553 exchange of circuits or of courts between such state attorney
 554 and any other state attorney or order an assignment of any state
 555 attorney to discharge the duties of the state attorney with
 556 respect to one or more specified investigations, cases, or
 557 matters, specified in general in the executive order of the
 558 Governor. Any exchange or assignment of any state attorney to a

559 particular circuit shall expire 12 months after the date of
 560 issuance, unless an extension is approved by order of the
 561 Supreme Court of Criminal Appeals upon application of the
 562 Governor showing good and sufficient cause to extend such
 563 exchange or assignment.

564 (2) If the statewide prosecutor in charge of the Office of
 565 Statewide Prosecution determines that he or she is not qualified
 566 to represent the state in any investigation, case, or matter
 567 pending in the courts of the state or if a court of competent
 568 jurisdiction disqualifies him or her from representing the
 569 state, the Governor may, by executive order filed with the
 570 Department of State, order an assignment of any state attorney
 571 to discharge the duties of such prosecutor with respect to one
 572 or more specified investigations, cases, or matters, generally
 573 described in the order. The assignment of any state attorney
 574 shall expire 12 months after the date of issuance, unless an
 575 extension is approved by order of the Supreme Court of Criminal
 576 Appeals upon application of the Governor showing good and
 577 sufficient cause to extend such assignment.

578 Section 43. Subsection (1) of section 27.151, Florida
 579 Statutes, is amended to read:

580 27.151 Confidentiality of specified executive orders;
 581 criteria.—

582 (1) If the Governor provides in an executive order issued
 583 pursuant to s. 27.14 or s. 27.15 that the order or a portion
 584 thereof is confidential, the order or portion so designated, the
 585 application of the Governor to the Supreme Court of Criminal
 586 Appeals and all proceedings thereon, and the order of the

587 Supreme Court of Criminal Appeals shall be confidential and
 588 exempt from the provisions of s. 119.07(1).

589 Section 44. Paragraph (d) of subsection (3) of section
 590 27.40, Florida Statutes, is amended to read:

591 27.40 Court-appointed counsel; circuit registries; minimum
 592 requirements; appointment by court.-

593 (3) In utilizing a registry:

594 (d) Quarterly, each chief judge shall provide a current
 595 copy of each registry to the Chief Justice of each ~~the~~ Supreme
 596 Court, the state attorney and public defender in each judicial
 597 circuit, the office of criminal conflict and civil regional
 598 counsel, the clerk of court in each county, and the Justice
 599 Administrative Commission. From October 1, 2005, through
 600 September 30, 2007, the report submitted by the Eleventh
 601 Judicial Circuit shall include the race, gender, and national
 602 origin of all attorneys listed in and appointed under the
 603 registry.

604 Section 45. Subsection (2) of section 27.405, Florida
 605 Statutes, is amended to read:

606 27.405 Court-appointed counsel; Justice Administrative
 607 Commission tracking and reporting.-

608 (2) The commission shall prepare and issue on a quarterly
 609 basis a statewide report comparing actual year-to-date
 610 expenditures to budget amounts for each of the judicial
 611 circuits. The commission shall prepare and issue on an annual
 612 basis a statewide report comparing performance measures for each
 613 of the judicial circuits. The commission shall distribute copies
 614 of the quarterly and annual reports to the Governor, the Chief

615 Justice of each ~~the~~ Supreme Court, the President of the Senate,
 616 and the Speaker of the House of Representatives.

617 Section 46. Paragraph (e) of subsection (1) and paragraph
 618 (a) of subsection (5) of section 27.51, Florida Statutes, is
 619 amended to read:

620 27.51 Duties of public defender.—

621 (1) The public defender shall represent, without
 622 additional compensation, any person determined to be indigent
 623 under s. 27.52 and:

624 (e) Convicted and sentenced to death, for purposes of
 625 handling an appeal to the Supreme Court of Criminal Appeals; or

626 (5) (a) When direct appellate proceedings prosecuted by a
 627 public defender on behalf of an accused and challenging a
 628 judgment of conviction and sentence of death terminate in an
 629 affirmance of such conviction and sentence, whether by the
 630 Florida Supreme Court of Criminal Appeals or by the United
 631 States Supreme Court or by expiration of any deadline for filing
 632 such appeal in a state or federal court, the public defender
 633 shall notify the accused of his or her rights pursuant to Rule
 634 3.850, Florida Rules of Criminal Procedure, including any time
 635 limits pertinent thereto, and shall advise such person that
 636 representation in any collateral proceedings is the
 637 responsibility of the capital collateral regional counsel. The
 638 public defender shall then forward all original files on the
 639 matter to the capital collateral regional counsel, retaining
 640 such copies for his or her files as may be desired. However, the
 641 trial court shall retain the power to appoint the public
 642 defender or other attorney not employed by the capital

643 collateral regional counsel to represent such person in
 644 proceedings for relief by executive clemency pursuant to ss.
 645 27.40 and 27.5303.

646 Section 47. Paragraph (e) of subsection (5) and subsection
 647 (9) of section 27.511, Florida Statutes, is amended to read:

648 27.511 Offices of criminal conflict and civil regional
 649 counsel; legislative intent; qualifications; appointment;
 650 duties.—

651 (5) When the Office of the Public Defender, at any time
 652 during the representation of two or more defendants, determines
 653 that the interests of those accused are so adverse or hostile
 654 that they cannot all be counseled by the public defender or his
 655 or her staff without a conflict of interest, or that none can be
 656 counseled by the public defender or his or her staff because of
 657 a conflict of interest, and the court grants the public
 658 defender's motion to withdraw, the office of criminal conflict
 659 and civil regional counsel shall be appointed and shall provide
 660 legal services, without additional compensation, to any person
 661 determined to be indigent under s. 27.52, who is:

662 (e) Convicted and sentenced to death, for purposes of
 663 handling an appeal to the Supreme Court of Criminal Appeals;

664 (9) When direct appellate proceedings prosecuted by the
 665 office of criminal conflict and civil regional counsel on behalf
 666 of an accused and challenging a judgment of conviction and
 667 sentence of death terminate in an affirmance of such conviction
 668 and sentence, whether by the Supreme Court of Criminal Appeals
 669 or by the United States Supreme Court or by expiration of any
 670 deadline for filing such appeal in a state or federal court, the

671 office of criminal conflict and civil regional counsel shall
 672 notify the accused of his or her rights pursuant to Rule 3.850,
 673 Florida Rules of Criminal Procedure, including any time limits
 674 pertinent thereto, and shall advise such person that
 675 representation in any collateral proceedings is the
 676 responsibility of the capital collateral regional counsel. The
 677 office of criminal conflict and civil regional counsel shall
 678 forward all original files on the matter to the capital
 679 collateral regional counsel, retaining such copies for his or
 680 her files as may be desired or required by law. However, the
 681 trial court shall retain the power to appoint the office of
 682 criminal conflict and civil regional counsel or other attorney
 683 not employed by the capital collateral regional counsel to
 684 represent such person in proceedings for relief by executive
 685 clemency pursuant to ss. 27.40 and 27.5303.

686 Section 48. Subsection (2) of section 27.512, Florida
 687 Statutes, is amended to read:

688 27.512 Order of no imprisonment.—

689 (2) The form and contents of an order of no imprisonment
 690 shall be determined by court rules ~~adopted by the Supreme Court.~~

691 Section 49. Subsection (1) of section 27.52, Florida
 692 Statutes, is amended to read:

693 27.52 Determination of indigent status.—

694 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 695 of a public defender under s. 27.51 based upon an inability to
 696 pay must apply to the clerk of the court for a determination of
 697 indigent status using an application form developed by the
 698 Florida Clerks of Court Operations Corporation with final

699 approval by the Supreme Court of Criminal Appeals.

700 (a) The application must include, at a minimum, the
701 following financial information:

702 1. Net income, consisting of total salary and wages, minus
703 deductions required by law, including court-ordered support
704 payments.

705 2. Other income, including, but not limited to, social
706 security benefits, union funds, veterans' benefits, workers'
707 compensation, other regular support from absent family members,
708 public or private employee pensions, unemployment compensation,
709 dividends, interest, rent, trusts, and gifts.

710 3. Assets, including, but not limited to, cash, savings
711 accounts, bank accounts, stocks, bonds, certificates of deposit,
712 equity in real estate, and equity in a boat or a motor vehicle
713 or in other tangible property.

714 4. All liabilities and debts.

715 5. If applicable, the amount of any bail paid for the
716 applicant's release from incarceration and the source of the
717 funds.

718

719 The application must include a signature by the applicant which
720 attests to the truthfulness of the information provided. The
721 application form developed by the corporation must include
722 notice that the applicant may seek court review of a clerk's
723 determination that the applicant is not indigent, as provided in
724 this section.

725 (b) An applicant shall pay a \$50 application fee to the
726 clerk for each application for court-appointed counsel filed.

PCB CVJS 11-07

ORIGINAL

2011

727 The applicant shall pay the fee within 7 days after submitting
728 the application. If the applicant does not pay the fee prior to
729 the disposition of the case, the clerk shall notify the court,
730 and the court shall:

731 1. Assess the application fee as part of the sentence or
732 as a condition of probation; or

733 2. Assess the application fee pursuant to s. 938.29.

734 (c) Notwithstanding any provision of law, court rule, or
735 administrative order, the clerk shall assign the first \$50 of
736 any fees or costs paid by an indigent person as payment of the
737 application fee. A person found to be indigent may not be
738 refused counsel or other required due process services for
739 failure to pay the fee.

740 (d) All application fees collected by the clerk under this
741 section shall be transferred monthly by the clerk to the
742 Department of Revenue for deposit in the Indigent Criminal
743 Defense Trust Fund administered by the Justice Administrative
744 Commission, to be used to as appropriated by the Legislature.
745 The clerk may retain 2 percent of application fees collected
746 monthly for administrative costs prior to remitting the
747 remainder to the Department of Revenue.

748 (e)1. The clerk shall assist a person who appears before
749 the clerk and requests assistance in completing the application,
750 and the clerk shall notify the court if a person is unable to
751 complete the application after the clerk has provided
752 assistance.

753 2. If the person seeking appointment of a public defender
754 is incarcerated, the public defender is responsible for

755 providing the application to the person and assisting him or her
 756 in its completion and is responsible for submitting the
 757 application to the clerk on the person's behalf. The public
 758 defender may enter into an agreement for jail employees,
 759 pretrial services employees, or employees of other criminal
 760 justice agencies to assist the public defender in performing
 761 functions assigned to the public defender under this
 762 subparagraph.

763 Section 50. Paragraph (a) of subsection (4) of section
 764 27.5303, Florida Statutes, is amended to read:

765 27.5303 Public defenders; criminal conflict and civil
 766 regional counsel; conflict of interest.—

767 (4) (a) If a defendant is convicted and the death sentence
 768 is imposed, the appointed attorney shall continue representation
 769 through appeal to the Supreme Court of Criminal Appeals. The
 770 attorney shall be compensated as provided in s. 27.5304. If the
 771 attorney first appointed is unable to handle the appeal, the
 772 court shall appoint another attorney and that attorney shall be
 773 compensated as provided in s. 27.5304.

774 Section 51. Paragraph (b) of subsection (5), subsection
 775 (9), and paragraph (f) of subsection (12) of section 27.5304,
 776 Florida Statutes, is amended to read:

777 27.5304 Private court-appointed counsel; compensation.—

778 (5) The compensation for representation in a criminal
 779 proceeding shall not exceed the following:

780 (b) If a death sentence is imposed and affirmed on appeal
 781 to the Supreme Court of Criminal Appeals, the appointed attorney
 782 shall be allowed compensation, not to exceed \$1,000, for

PCB CVJS 11-07

ORIGINAL

2011

783 attorney's fees and costs incurred in representing the defendant
784 as to an application for executive clemency, with compensation
785 to be paid out of general revenue from funds budgeted to the
786 Department of Corrections.

787 (9) Private court-appointed counsel representing an
788 individual in an appeal to a district court of appeal or a ~~the~~
789 Supreme Court may submit a request for payment to the Justice
790 Administrative Commission at the following intervals:

791 (a) Upon the filing of an appellate brief, including, but
792 not limited to, a reply brief.

793 (b) When the opinion of the appellate court is finalized.

794 (12) The Legislature recognizes that on rare occasions an
795 attorney may receive a case that requires extraordinary and
796 unusual effort.

797 (f) The Justice Administrative Commission shall provide to
798 the Office of the State Courts Administrator data concerning the
799 number of cases approved for compensation in excess of the
800 limitation and the amount of these awards by circuit and by
801 judge. The Office of the State Courts Administrator shall report
802 the data quarterly to the President of the Senate, the Speaker
803 of the House of Representatives, the Chief Justice of the
804 Supreme Court of Criminal Appeals, and the chief judge of each
805 circuit.

806 Section 52. Paragraph (a) of subsection (7) of section
807 27.7081, Florida Statutes, is amended to read:

808 27.7081 Capital postconviction public records production.—

809 (7) (a) Within 180 days after a capital collateral regional
810 counsel or private counsel is appointed to represent a defendant

PCB CVJS 11-07

ORIGINAL

2011

811 sentenced to death, or within 30 days after issuance of the
 812 Florida Supreme Court of Criminal Appeals' ~~Court's~~ mandate
 813 affirming a death sentence, whichever is later, the regional
 814 counsel, private counsel, or other counsel who is a member of
 815 The Florida Bar and is authorized by such counsel representing a
 816 defendant may send a written demand for additional public
 817 records to each person or agency submitting public records under
 818 subsection (3) and to each person or agency identified as having
 819 information pertinent to the case under subsection (5). Should
 820 the written demand include requests for records associated with
 821 particular named individuals, the written demand shall also
 822 include a brief statement describing each named person's role in
 823 the case and relationship to the defendant. Race, sex, and date
 824 of birth shall also be included in the demand if the public
 825 defender, private counsel, or capital collateral regional
 826 counsel has such information. Each person or agency notified
 827 under this subsection shall, within 60 days after receipt of the
 828 written demand, deliver to the records repository or, if the
 829 records are confidential or exempt, to the clerk of the court in
 830 the county in which the capital case was tried any additional
 831 public records in the possession of the person or agency which
 832 pertain to the case and shall certify that to the best of his or
 833 her knowledge and belief all additional public records have been
 834 delivered or, if no additional public records are found, shall
 835 recertify that the public records previously delivered are
 836 complete.

837 Section 53. Subsection (2) of section 27.709, Florida
 838 Statutes, is amended to read:

839 27.709 Commission on Capital Cases.—

840 (2) (a) The commission shall review the administration of
 841 justice in capital collateral cases, receive relevant public
 842 input, review the operation of the capital collateral regional
 843 counsel and private counsel appointed pursuant to ss. 27.710 and
 844 27.711, and advise and make recommendations to the Governor,
 845 Legislature, and Supreme Court of Criminal Appeals.

846 (b) As part of its duties, the commission shall compile
 847 and analyze case-tracking reports produced by the Supreme Court
 848 of Criminal Appeals. In analyzing these reports, the commission
 849 shall develop statistics to identify trends and changes in case
 850 management and case processing, identify and evaluate
 851 unproductive points of delay, and generally evaluate the way
 852 cases are progressing. The commission shall report these
 853 findings to the Legislature by January 1 of each year.

854 (c) In addition, the commission shall receive complaints
 855 regarding the practice of any office of regional counsel and
 856 private counsel appointed pursuant to ss. 27.710 and 27.711 and
 857 shall refer any complaint to The Florida Bar, the State Supreme
 858 Court of Civil Appeals, or the Commission on Ethics, as
 859 appropriate.

860 Section 54. Section 27.7091, Florida Statutes, is amended
 861 to read:

862 27.7091 Legislative recommendations to Supreme Court of
 863 Criminal Appeals; postconviction proceedings; pro bono service
 864 credit.—In the interest of promoting justice and integrity with
 865 respect to capital collateral representation, the Legislature
 866 recommends that the Supreme Court of Criminal Appeals:

867 (1) Adopt by rule the provisions of s. 924.055, which
 868 limit the time for postconviction proceedings in capital cases.

869 (2) Award pro bono service credit for time spent by an
 870 attorney in providing legal representation to an individual
 871 sentenced to death in this state, regardless of whether the
 872 attorney receives compensation for such representation.

873 Section 55. Subsection (1) of section 27.710, Florida
 874 Statutes, is amended to read:

875 27.710 Registry of attorneys applying to represent persons
 876 in postconviction capital collateral proceedings; certification
 877 of minimum requirements; appointment by trial court.-

878 (1) The executive director of the Commission on Capital
 879 Cases shall compile and maintain a statewide registry of
 880 attorneys in private practice who have certified that they meet
 881 the minimum requirements of s. 27.704(2), who are available for
 882 appointment by the court under this section to represent persons
 883 convicted and sentenced to death in this state in postconviction
 884 collateral proceedings, and who have attended within the last
 885 year a continuing legal education program of at least 10 hours'
 886 duration devoted specifically to the defense of capital cases,
 887 if available. Continuing legal education programs meeting the
 888 requirements of this rule offered by The Florida Bar or another
 889 recognized provider and approved for continuing legal education
 890 credit by The Florida Bar shall satisfy this requirement. The
 891 failure to comply with this requirement may be cause for removal
 892 from the list until the requirement is fulfilled. To ensure that
 893 sufficient attorneys are available for appointment by the court,
 894 when the number of attorneys on the registry falls below 50, the

PCB CVJS 11-07

ORIGINAL

2011

895 executive director shall notify the chief judge of each circuit
896 by letter and request the chief judge to promptly submit the
897 names of at least three private attorneys who regularly practice
898 criminal law in that circuit and who appear to meet the minimum
899 requirements to represent persons in postconviction capital
900 collateral proceedings. The executive director shall send an
901 application to each attorney identified by the chief judge so
902 that the attorney may register for appointment as counsel in
903 postconviction capital collateral proceedings. As necessary, the
904 executive director may also advertise in legal publications and
905 other appropriate media for qualified attorneys interested in
906 registering for appointment as counsel in postconviction capital
907 collateral proceedings. Not later than September 1 of each year,
908 and as necessary thereafter, the executive director shall
909 provide to the Chief Justice of the Supreme Court of Criminal
910 Appeals, the chief judge and state attorney in each judicial
911 circuit, and the Attorney General a current copy of its registry
912 of attorneys who are available for appointment as counsel in
913 postconviction capital collateral proceedings. The registry must
914 be indexed by judicial circuit and must contain the requisite
915 information submitted by the applicants in accordance with this
916 section.

917 Section 56. Paragraph (c) of subsection (1) and paragraphs
918 (d), (e), and (f) of subsection (4) of section 27.711, Florida
919 Statutes, are amended to read:

920 27.711 Terms and conditions of appointment of attorneys as
921 counsel in postconviction capital collateral proceedings.—

922 (1) As used in s. 27.710 and this section, the term:

923 (c) "Postconviction capital collateral proceedings" means
 924 one series of collateral litigation of an affirmed conviction
 925 and sentence of death, including the proceedings in the trial
 926 court that imposed the capital sentence, any appellate review of
 927 the sentence by the Supreme Court of Criminal Appeals, any
 928 certiorari review of the sentence by the United States Supreme
 929 Court, and any authorized federal habeas corpus litigation with
 930 respect to the sentence. The term does not include repetitive or
 931 successive collateral challenges to a conviction and sentence of
 932 death which is affirmed by the Supreme Court of Criminal Appeals
 933 and undisturbed by any collateral litigation.

934 (4) Upon approval by the trial court, an attorney
 935 appointed to represent a capital defendant under s. 27.710 is
 936 entitled to payment of the following fees by the Chief Financial
 937 Officer:

938 (d) The attorney is entitled to \$100 per hour, up to a
 939 maximum of \$20,000, after timely filing in the Supreme Court of
 940 Criminal Appeals the capital defendant's brief or briefs that
 941 address the trial court's final order granting or denying the
 942 capital defendant's motion for postconviction relief and the
 943 state petition for writ of habeas corpus.

944 (e) The attorney is entitled to \$100 per hour, up to a
 945 maximum of \$10,000, after the trial court issues an order,
 946 pursuant to a remand from the Supreme Court of Criminal Appeals,
 947 which directs the trial court to hold further proceedings on the
 948 capital defendant's motion for postconviction relief.

949 (f) The attorney is entitled to \$100 per hour, up to a
 950 maximum of \$4,000, after the appeal of the trial court's denial

951 of the capital defendant's motion for postconviction relief and
 952 the capital defendant's state petition for writ of habeas corpus
 953 become final in the Supreme Court of Criminal Appeals.

954
 955 The hours billed by a contracting attorney under this subsection
 956 may include time devoted to representation of the defendant by
 957 another attorney who is qualified under s. 27.710 and who has
 958 been designated by the contracting attorney to assist him or
 959 her.

960 Section 57. Section 28.22205, Florida Statutes, is amended
 961 to read:

962 28.22205 Electronic filing process.—Each clerk of court
 963 shall implement an electronic filing process. The purpose of the
 964 electronic filing process is to reduce judicial costs in the
 965 office of the clerk and the judiciary, increase timeliness in
 966 the processing of cases, and provide the judiciary with case-
 967 related information to allow for improved judicial case
 968 management. The Legislature requests that, no later than July 1,
 969 2009, the Supreme Court of Civil Appeals set statewide standards
 970 for electronic filing to be used by the clerks of court to
 971 implement electronic filing. The standards should specify the
 972 required information for the duties of the clerks of court and
 973 the judiciary for case management. The clerks of court shall
 974 begin implementation no later than October 1, 2009. The Florida
 975 Clerks of Court Operations Corporation shall report to the
 976 President of the Senate and the Speaker of the House of
 977 Representatives by March 1, 2010, on the status of implementing
 978 electronic filing. The report shall include the detailed status

PCB CVJS 11-07

ORIGINAL

2011

979 of each clerk office's implementation of an electronic filing
 980 process, and for those clerks who have not fully implemented
 981 electronic filing by March 1, 2010, a description of the
 982 additional steps needed and a projected timeline for full
 983 implementation. Revenues provided to counties and the clerk of
 984 court under s. 28.24(12)(e) for information technology may also
 985 be used to implement electronic filing processes.

986 Section 58. Subsection (2) of section 28.241, Florida
 987 Statutes, is amended to read:

988 28.241 Filing fees for trial and appellate proceedings.—

989 (2) Upon the institution of any appellate proceeding from
 990 any lower court to the circuit court of any such county,
 991 including appeals filed by a county or municipality as provided
 992 in s. 34.041(5), or from the circuit court to an appellate court
 993 of the state, the clerk shall charge and collect from the party
 994 or parties instituting such appellate proceedings a filing fee
 995 not to exceed \$280 for filing a notice of appeal from the county
 996 court to the circuit court and, in addition to the filing fee
 997 required under s. 25.241 or s. 35.22, \$100 for filing a notice
 998 of appeal from the circuit court to the district court of appeal
 999 or to either ~~the~~ Supreme Court. If the party is determined to be
 1000 indigent, the clerk shall defer payment of the fee. The clerk
 1001 shall remit the first \$80 to the Department of Revenue for
 1002 deposit into the General Revenue Fund.

1003 Section 59. Paragraph (b) of subsection (1), paragraph (d)
 1004 of subsection (2), and paragraph (b) of subsection (5) of
 1005 section 28.35, Florida Statutes, is amended to read:

1006 28.35 Florida Clerks of Court Operations Corporation.—

PCB CVJS 11-07

ORIGINAL

2011

1007 (1)
 1008 (b) The executive council shall be composed of eight
 1009 clerks of the court elected by the clerks of the courts for a
 1010 term of 2 years, with two clerks from counties with a population
 1011 of fewer than 100,000, two clerks from counties with a
 1012 population of at least 100,000 but fewer than 500,000, two
 1013 clerks from counties with a population of at least 500,000 but
 1014 fewer than 1 million, and two clerks from counties with a
 1015 population of more than 1 million. The executive council shall
 1016 also include, as ex officio members, a designee of the President
 1017 of the Senate and a designee of the Speaker of the House of
 1018 Representatives. The Chief Justice of the Supreme Court of Civil
 1019 Appeals shall designate one additional member to represent the
 1020 state courts system.

1021 (2) The duties of the corporation shall include the
 1022 following:

1023 (d) Developing and certifying a uniform system of
 1024 performance measures and applicable performance standards for
 1025 the functions specified in paragraph (3) (a) and the service unit
 1026 costs required in s. 28.36 and measures for clerk performance in
 1027 meeting the performance standards. These measures and standards
 1028 shall be designed to facilitate an objective determination of
 1029 the performance of each clerk in accordance with minimum
 1030 standards for fiscal management, operational efficiency, and
 1031 effective collection of fines, fees, service charges, and court
 1032 costs. The corporation shall develop the performance measures
 1033 and performance standards in consultation with the Legislature
 1034 and each ~~the~~ Supreme Court. The Legislature may modify the clerk

1035 performance measures and performance standards in legislation
 1036 implementing the General Appropriations Act or other law. When
 1037 the corporation finds a clerk has not met the performance
 1038 standards, the corporation shall identify the nature of each
 1039 deficiency and any corrective action recommended and taken by
 1040 the affected clerk of the court. The corporation shall notify
 1041 the Legislature and each ~~the~~ Supreme Court of any clerk not
 1042 meeting performance standards and provide a copy of any
 1043 corrective action plans.

1044 (5)

1045 (b) Certified public accountants conducting audits of
 1046 counties pursuant to s. 218.39 shall report, as part of the
 1047 audit, whether or not the clerks of the courts have complied
 1048 with the requirements of this section and s. 28.36. In addition,
 1049 each clerk of court shall forward a copy of the portion of the
 1050 financial audit relating to the court-related duties of the
 1051 clerk of court to each ~~the~~ Supreme Court. The Auditor General
 1052 shall develop a compliance supplement for the audit of
 1053 compliance with the budgets and applicable performance standards
 1054 certified by the corporation.

1055 Section 60. Subsections (1), (4), (5), (7), and (8) of
 1056 section 28.36, Florida Statutes, are amended to read:

1057 28.36 Budget procedure.—There is established a budget
 1058 procedure for preparing budget requests for funding for the
 1059 court-related functions of the clerks of the court.

1060 (1) Each clerk of court shall prepare a budget request for
 1061 the last quarter of the county fiscal year and the first three
 1062 quarters of the next county fiscal year. The proposed budget

1063 shall be prepared, summarized, and submitted by the clerk in
 1064 each county to the Florida Clerks of Court Operations
 1065 Corporation in the manner and form prescribed by the corporation
 1066 to meet the requirements of law. Each clerk shall forward a copy
 1067 of his or her budget request to the Supreme Courts ~~Court~~. The
 1068 budget requests must be provided to the corporation by October 1
 1069 of each year.

1070 (4) The budget request must identify the service units to
 1071 be provided within each core service. The service units shall be
 1072 developed by the corporation, in consultation with the Supreme
 1073 Courts ~~Court~~, the Chief Financial Officer, and the
 1074 appropriations committees of the Senate and the House of
 1075 Representatives.

1076 (5) The budget request must propose a unit cost for each
 1077 service unit. The corporation shall provide a copy of each
 1078 clerk's budget request to the Supreme Courts ~~Court~~.

1079 (7) The corporation shall complete its review and
 1080 adjustments to the clerks' budget requests and make its
 1081 recommendations to the Legislature and the Supreme Courts ~~Court~~
 1082 by December 1 each year.

1083 (8) The Chief Financial Officer shall review the proposed
 1084 unit costs associated with each clerk of court's budget request
 1085 and make recommendations to the Legislature. The Chief Financial
 1086 Officer may conduct any audit of the corporation or a clerk of
 1087 court as authorized by law. The Chief Justice of the Supreme
 1088 Courts ~~Court~~ may request an audit of the corporation or any
 1089 clerk of court by the Chief Financial Officer.

PCB CVJS 11-07

ORIGINAL

2011

1090 Section 61. Subsection (1) of section 29.001, Florida
 1091 Statutes, is amended to read:

1092 29.001 State courts system elements and definitions.—

1093 (1) For the purpose of implementing s. 14, Art. V of the
 1094 State Constitution, the state courts system is defined to
 1095 include the enumerated elements of each ~~the~~ Supreme Court,
 1096 district courts of appeal, circuit courts, county courts, and
 1097 certain supports thereto. The offices of public defenders and
 1098 state attorneys are defined to include the enumerated elements
 1099 of the 20 state attorneys' offices and the enumerated elements
 1100 of the 20 public defenders' offices and five offices of criminal
 1101 conflict and civil regional counsel. Court-appointed counsel are
 1102 defined to include the enumerated elements for counsel appointed
 1103 to ensure due process in criminal and civil proceedings in
 1104 accordance with state and federal constitutional guarantees.
 1105 Funding for the state courts system, the state attorneys'
 1106 offices, the public defenders' offices, the offices of criminal
 1107 conflict and civil regional counsel, and other court-appointed
 1108 counsel shall be provided from state revenues appropriated by
 1109 general law.

1110 Section 62. Subsection (4) of section 29.004, Florida
 1111 Statutes, is amended to read:

1112 29.004 State courts system.—For purposes of implementing
 1113 s. 14, Art. V of the State Constitution, the elements of the
 1114 state courts system to be provided from state revenues
 1115 appropriated by general law are as follows:

1116 (4) Construction or lease of facilities, maintenance,
 1117 utilities, and security for the district courts of appeal and

1118 each ~~the~~ Supreme Court.

1119 Section 63. Paragraph (a) of subsection (1) of section
1120 30.15, Florida Statutes, is amended to read:

1121 30.15 Powers, duties, and obligations.—

1122 (1) Sheriffs, in their respective counties, in person or
1123 by deputy, shall:

1124 (a) Execute all process of either ~~the~~ Supreme Court,
1125 circuit courts, county courts, and boards of county
1126 commissioners of this state, to be executed in their counties.

1127 Section 64. Subsection (3) of section 34.01, Florida
1128 Statutes, is amended to read:

1129 34.01 Jurisdiction of county court.—

1130 (3) Judges of county courts shall also be committing trial
1131 court judges. Judges of county courts shall be coroners unless
1132 otherwise provided by law or by court ~~rule of the Supreme Court~~.

1133 Section 65. Subsection (1) of section 34.181, Florida
1134 Statutes, is amended to read:

1135 34.181 Branch courts.—

1136 (1) Any municipality or county may apply to the chief
1137 judge of the circuit in which the municipality or county is
1138 situated for the county court to sit in a location suitable to
1139 the municipality or county and convenient in time and place to
1140 its citizens and police officers, and upon such application said
1141 chief judge shall direct the court to sit in the location unless
1142 he or she shall determine the request is not justified. If the
1143 chief judge does not authorize the county court to sit in the
1144 location requested, the county or municipality may apply to the
1145 Supreme Court of Civil Appeals for an order directing the county

PCB CVJS 11-07

ORIGINAL

2011

1146 court to sit in such location.

1147 Section 66. Section 35.07, Florida Statutes, is amended to
1148 read:

1149 35.07 Power to make rules and regulations.—Subject to the
1150 administrative powers ~~power~~ of the Supreme Courts ~~a Supreme~~
1151 ~~Court to make rules of practice and procedure,~~ the district
1152 courts of appeal may make such regulations as necessary for the
1153 internal government of the court.

1154 Section 67. Section 35.28, Florida Statutes, is amended to
1155 read:

1156 35.28 District courts of appeal libraries.—The library of
1157 each of the district courts of appeal and its custodian shall be
1158 provided for by court rule ~~of the Supreme Court~~. Payment for
1159 books, equipment, supplies, and quarters as provided for in such
1160 rules shall be paid from funds appropriated for the district
1161 courts, on requisition drawn as provided by law.

1162 Section 68. Section 38.07, Florida Statutes, is amended to
1163 read:

1164 38.07 Effect of orders entered prior to disqualification;
1165 petition for reconsideration.—When orders have been entered in
1166 any cause by a judge prior to the entry of any order of
1167 disqualification under s. 38.02 or s. 38.05, any party to the
1168 cause may, within 30 days after the filing in the cause of the
1169 order of the chief judge of the circuit or the Chief Justice of
1170 either ~~the~~ Supreme Court, as provided for in s. 38.09, petition
1171 the judge so designated for a reconsideration of the orders
1172 entered by the disqualified judge prior to the date of the entry
1173 of the order of disqualification. Such a petition shall set

1174 | forth with particularity the matters of law or fact to be relied
 1175 | upon as grounds for the modification or vacation of the orders.
 1176 | Such a petition shall be granted as a matter of right. Upon the
 1177 | granting of the petition, notice of the time and place of the
 1178 | hearing thereon, together with a copy of the petition, shall be
 1179 | mailed by the attorney, or attorneys, of record for the
 1180 | petitioners to the other attorney or attorneys of record, or to
 1181 | the party or parties if they have no attorneys of record. This
 1182 | notice shall be mailed at least 8 days prior to the date fixed
 1183 | by the judge for the hearing. The judge before whom the cause is
 1184 | then pending may, after the hearing, affirm, approve, confirm,
 1185 | reenter, modify, or vacate the orders.

1186 | Section 69. Subsection (1) of section 39.4075, Florida
 1187 | Statutes, is amended to read:

1188 | 39.4075 Referral of a dependency case to mediation.—

1189 | (1) At any stage in a dependency proceeding, any party may
 1190 | request the court to refer the parties to mediation in
 1191 | accordance with chapter 44 and rules and procedures developed by
 1192 | the Supreme Court of Civil Appeals.

1193 | Section 70. Paragraph (b) of subsection (3) of section
 1194 | 39.501, Florida Statutes, is amended to read:

1195 | 39.501 Petition for dependency.—

1196 | (3)

1197 | (b) The form of the petition and its contents shall be
 1198 | determined by rules of juvenile procedure adopted by the Supreme
 1199 | Court of Civil Appeals.

1200 | Section 71. Subsection (1) of section 39.824, Florida
 1201 | Statutes, is amended to read:

1202 39.824 Procedures and jurisdiction.—
 1203 (1) The Supreme Court of Civil Appeals is requested to
 1204 adopt rules of juvenile procedure by October 1, 1989, to
 1205 implement this part. All procedures, including petitions,
 1206 pleadings, subpoenas, summonses, and hearings in cases for the
 1207 appointment of a guardian advocate shall be according to the
 1208 Florida Rules of Juvenile Procedure unless otherwise provided by
 1209 law.

1210 Section 72. Subsection (2) of section 39.8296, Florida
 1211 Statutes, is amended to read:

1212 39.8296 Statewide Guardian Ad Litem Office; legislative
 1213 findings and intent; creation; appointment of executive
 1214 director; duties of office.—

1215 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
 1216 Statewide Guardian Ad Litem Office within the Justice
 1217 Administrative Commission. The Justice Administrative Commission
 1218 shall provide administrative support and service to the office
 1219 to the extent requested by the executive director within the
 1220 available resources of the commission. The Statewide Guardian Ad
 1221 Litem Office shall not be subject to control, supervision, or
 1222 direction by the Justice Administrative Commission in the
 1223 performance of its duties, but the employees of the office shall
 1224 be governed by the classification plan and salary and benefits
 1225 plan approved by the Justice Administrative Commission.

1226 (a) The head of the Statewide Guardian Ad Litem Office is
 1227 the executive director, who shall be appointed by the Governor
 1228 from a list of a minimum of three eligible applicants submitted
 1229 by a Guardian Ad Litem Qualifications Committee. The Guardian Ad

1230 Litem Qualifications Committee shall be composed of five
 1231 persons, two persons appointed by the Governor, two persons
 1232 appointed by the Chief Justice of the Supreme Court of Civil
 1233 Appeals, and one person appointed by the Statewide Guardian Ad
 1234 Litem Association. The committee shall provide for statewide
 1235 advertisement and the receiving of applications for the position
 1236 of executive director. The Governor shall appoint an executive
 1237 director from among the recommendations, or the Governor may
 1238 reject the nominations and request the submission of new
 1239 nominees. The executive director must have knowledge in
 1240 dependency law and knowledge of social service delivery systems
 1241 available to meet the needs of children who are abused,
 1242 neglected, or abandoned. The executive director shall serve on a
 1243 full-time basis and shall personally, or through representatives
 1244 of the office, carry out the purposes and functions of the
 1245 Statewide Guardian Ad Litem Office in accordance with state and
 1246 federal law. The executive director shall report to the
 1247 Governor. The executive director shall serve a 3-year term,
 1248 subject to removal for cause by the Governor. Any person
 1249 appointed to serve as the executive director may be permitted to
 1250 serve more than one term.

1251 (b) The Statewide Guardian Ad Litem Office shall, within
 1252 available resources, have oversight responsibilities for and
 1253 provide technical assistance to all guardian ad litem and
 1254 attorney ad litem programs located within the judicial circuits.

1255 1. The office shall identify the resources required to
 1256 implement methods of collecting, reporting, and tracking
 1257 reliable and consistent case data.

1258 2. The office shall review the current guardian ad litem
1259 programs in Florida and other states.

1260 3. The office, in consultation with local guardian ad
1261 litem offices, shall develop statewide performance measures and
1262 standards.

1263 4. The office shall develop a guardian ad litem training
1264 program. The office shall establish a curriculum committee to
1265 develop the training program specified in this subparagraph. The
1266 curriculum committee shall include, but not be limited to,
1267 dependency judges, directors of circuit guardian ad litem
1268 programs, active certified guardians ad litem, a mental health
1269 professional who specializes in the treatment of children, a
1270 member of a child advocacy group, a representative of the
1271 Florida Coalition Against Domestic Violence, and a social worker
1272 experienced in working with victims and perpetrators of child
1273 abuse.

1274 5. The office shall review the various methods of funding
1275 guardian ad litem programs, shall maximize the use of those
1276 funding sources to the extent possible, and shall review the
1277 kinds of services being provided by circuit guardian ad litem
1278 programs.

1279 6. The office shall determine the feasibility or
1280 desirability of new concepts of organization, administration,
1281 financing, or service delivery designed to preserve the civil
1282 and constitutional rights and fulfill other needs of dependent
1283 children.

1284 7. No later than October 1, 2004, the office shall submit
1285 to the Governor, the President of the Senate, the Speaker of the

1286 House of Representatives, and the Chief Justice of the Supreme
 1287 Court of Civil Appeals an interim report describing the progress
 1288 of the office in meeting the goals as described in this section.
 1289 No later than October 1, 2004, the office shall submit to the
 1290 Governor, the President of the Senate, the Speaker of the House
 1291 of Representatives, and the Chief Justice of the Supreme Court
 1292 of Civil Appeals a proposed plan including alternatives for
 1293 meeting the state's guardian ad litem and attorney ad litem
 1294 needs. This plan may include recommendations for less than the
 1295 entire state, may include a phase-in system, and shall include
 1296 estimates of the cost of each of the alternatives. Each year
 1297 thereafter, the office shall provide a status report and provide
 1298 further recommendations to address the need for guardian ad
 1299 litem services and related issues.

1300 Section 73. Section 40.001, Florida Statutes, is amended
 1301 to read:

1302 40.001 Chief judge; authority; duties.—The chief judge of
 1303 each judicial circuit is vested with overall authority and
 1304 responsibility for the management, operation, and oversight of
 1305 the jury system within his or her circuit. However, in
 1306 accordance with this chapter and chapter 905, the clerk of the
 1307 circuit court has specific responsibilities regarding the
 1308 processing of jurors, including, but not limited to,
 1309 qualifications, summons, selection lists, reporting, and
 1310 compensation of jurors. The clerk of the circuit court may
 1311 contract with the chief judge for the court's assistance in the
 1312 provision of services to process jurors. The chief judge may
 1313 also designate to the clerk of the circuit court additional

1314 duties consistent with established uniform standards of jury
 1315 management practices that the Supreme Court adopted by court
 1316 rule or issued through an ~~may adopt by rule or issue through~~
 1317 administrative order.

1318 Section 74. Section 40.225, Florida Statutes, is amended
 1319 to read:

1320 40.225 Drawing jury venire; alternative method.—

1321 (1) Whenever a majority of the judges authorized to
 1322 conduct jury trials in a county consents, the names of
 1323 prospective jurors and other data pertinent thereto may be fed
 1324 into a mechanical, electronic, or electrical device and drawn
 1325 therefrom as an alternative to other methods authorized by law
 1326 for obtaining jury venires, if such drawing is by lot and at
 1327 random and is approved by the Supreme Courts ~~Court~~ as
 1328 hereinafter provided.

1329 (2) When a majority of the trial judges authorizes the
 1330 alternative method of drawing a jury venire as provided in
 1331 subsection (1), the chief judge of the judicial circuit in which
 1332 the county is located shall make a certificate to that effect
 1333 and transmit the same to the Chief Justice of the Supreme Courts
 1334 ~~Court~~, together with a description of the equipment, methods,
 1335 and mode of operation to be used.

1336 (3) If the Supreme Courts find ~~The Chief Justice shall~~
 1337 ~~cause the certificate and data accompanying it to be presented~~
 1338 ~~to the justices of the Supreme Court. If the court finds that~~
 1339 the proposed method will produce venires selected by lot and at
 1340 random, is in compliance with all constitutional requirements of
 1341 jury selection, and is otherwise feasible and practicable, an

1342 order of approval of same shall be made and filed. Thereafter,
 1343 the alternative method so approved may be used in the county so
 1344 authorized.

1345 (4) The chief judge of the judicial circuit in which the
 1346 county is located shall supervise the use of such alternative
 1347 method whenever approval of same has been made by order of the
 1348 Supreme Courts ~~Court~~.

1349 (5) Nothing herein shall be construed as requiring uniform
 1350 equipment or methods throughout the state.

1351 Section 75. Subsection (3) of section 43.26, Florida
 1352 Statutes, is amended to read:

1353 43.26 Chief judge of circuit; selection; powers.—

1354 (3) The chief judge shall be responsible to the Chief
 1355 Justices of the Supreme Courts ~~Chief Justice of the Supreme~~
 1356 ~~Court~~ for such information as may be required by them ~~the Chief~~
 1357 ~~Justice~~, including, but not limited to, caseload, status of
 1358 dockets, and disposition of cases in the courts over which he or
 1359 she presides.

1360 Section 76. Section 43.30, Florida Statutes, is amended to
 1361 read:

1362 43.30 Divisions of court.—All courts except each ~~the~~
 1363 Supreme Court may sit in divisions as may be established by
 1364 local rule approved by the Supreme Court.

1365 Section 77. Subsections (1), (2) and (4) of section
 1366 44.102, Florida Statutes, are amended to read:

1367 44.102 Court-ordered mediation.—

1368 (1) Court-ordered mediation shall be conducted according
 1369 to rules of practice and procedure adopted by the Supreme Court

1370 of Civil Appeals.

1371 (2) A court, under rules adopted by the Supreme Court of
 1372 Civil Appeals:

1373 (a) Must, upon request of one party, refer to mediation
 1374 any filed civil action for monetary damages, provided the
 1375 requesting party is willing and able to pay the costs of the
 1376 mediation or the costs can be equitably divided between the
 1377 parties, unless:

1378 1. The action is a landlord and tenant dispute that does
 1379 not include a claim for personal injury.

1380 2. The action is filed for the purpose of collecting a
 1381 debt.

1382 3. The action is a claim of medical malpractice.

1383 4. The action is governed by the Florida Small Claims
 1384 Rules.

1385 5. The court determines that the action is proper for
 1386 referral to nonbinding arbitration under this chapter.

1387 6. The parties have agreed to binding arbitration.

1388 7. The parties have agreed to an expedited trial pursuant
 1389 to s. 45.075.

1390 8. The parties have agreed to voluntary trial resolution
 1391 pursuant to s. 44.104.

1392 (b) May refer to mediation all or any part of a filed
 1393 civil action for which mediation is not required under this
 1394 section.

1395 (c) In circuits in which a family mediation program has
 1396 been established and upon a court finding of a dispute, shall
 1397 refer to mediation all or part of custody, visitation, or other

1398 parental responsibility issues as defined in s. 61.13. Upon
 1399 motion or request of a party, a court shall not refer any case
 1400 to mediation if it finds there has been a history of domestic
 1401 violence that would compromise the mediation process.

1402 (d) In circuits in which a dependency or in need of
 1403 services mediation program has been established, may refer to
 1404 mediation all or any portion of a matter relating to dependency
 1405 or to a child in need of services or a family in need of
 1406 services.

1407 (4) The chief judge of each judicial circuit shall
 1408 maintain a list of mediators who have been certified by the
 1409 Supreme Court of Civil Appeals and who have registered for
 1410 appointment in that circuit.

1411 (a) Whenever possible, qualified individuals who have
 1412 volunteered their time to serve as mediators shall be appointed.
 1413 If a mediation program is funded pursuant to s. 44.108,
 1414 volunteer mediators shall be entitled to reimbursement pursuant
 1415 to s. 112.061 for all actual expenses necessitated by service as
 1416 a mediator.

1417 (b) Nonvolunteer mediators shall be compensated according
 1418 to rules adopted by the Supreme Court of Civil Appeals. If a
 1419 mediation program is funded pursuant to s. 44.108, a mediator
 1420 may be compensated by the county or by the parties.

1421 Section 78. Subsections (1), (2), (5), and (6) of section
 1422 44.103, Florida Statutes, are amended to read:

1423 44.103 Court-ordered, nonbinding arbitration.—

1424 (1) Court-ordered, nonbinding arbitration shall be
 1425 conducted according to the rules of practice and procedure

1426 adopted by the Supreme Court of Civil Appeals.

1427 (2) A court, pursuant to rules adopted by the Supreme
 1428 Court of Civil Appeals, may refer any contested civil action
 1429 filed in a circuit or county court to nonbinding arbitration.

1430 (5) The arbitration decision shall be presented to the
 1431 parties in writing. An arbitration decision shall be final if a
 1432 request for a trial de novo is not filed within the time
 1433 provided by rules promulgated by the Supreme Court of Civil
 1434 Appeals. The decision shall not be made known to the judge who
 1435 may preside over the case unless no request for trial de novo is
 1436 made as herein provided or unless otherwise provided by law. If
 1437 no request for trial de novo is made within the time provided,
 1438 the decision shall be referred to the presiding judge in the
 1439 case who shall enter such orders and judgments as are required
 1440 to carry out the terms of the decision, which orders shall be
 1441 enforceable by the contempt powers of the court, and for which
 1442 judgments execution shall issue on request of a party.

1443 (6) Upon motion made by either party within 30 days after
 1444 entry of judgment, the court may assess costs against the party
 1445 requesting a trial de novo, including arbitration costs, court
 1446 costs, reasonable attorney's fees, and other reasonable costs
 1447 such as investigation expenses and expenses for expert or other
 1448 testimony which were incurred after the arbitration hearing and
 1449 continuing through the trial of the case in accordance with the
 1450 guidelines for taxation of costs as adopted by the Supreme Court
 1451 of Civil Appeals. Such costs may be assessed if:

1452 (a) The plaintiff, having filed for a trial de novo,
 1453 obtains a judgment at trial which is at least 25 percent less

1454 than the arbitration award. In such instance, the costs and
 1455 attorney's fees pursuant to this section shall be set off
 1456 against the award. When the costs and attorney's fees pursuant
 1457 to this section total more than the amount of the judgment, the
 1458 court shall enter judgment for the defendant against the
 1459 plaintiff for the amount of the costs and attorney's fees, less
 1460 the amount of the award to the plaintiff. For purposes of a
 1461 determination under this paragraph, the term "judgment" means
 1462 the amount of the net judgment entered, plus all taxable costs
 1463 pursuant to the guidelines for taxation of costs as adopted by
 1464 the Supreme Court of Civil Appeals, plus any postarbitration
 1465 collateral source payments received or due as of the date of the
 1466 judgment, and plus any postarbitration settlement amounts by
 1467 which the verdict was reduced; or

1468 (b) The defendant, having filed for a trial de novo, has a
 1469 judgment entered against the defendant which is at least 25
 1470 percent more than the arbitration award. For purposes of a
 1471 determination under this paragraph, the term "judgment" means
 1472 the amount of the net judgment entered, plus any postarbitration
 1473 settlement amounts by which the verdict was reduced.

1474 Section 79. Subsection (13) of section 44.104, Florida
 1475 Statutes, is amended to read:

1476 44.104 Voluntary binding arbitration and voluntary trial
 1477 resolution.—

1478 (13) If no appeal is taken within the time provided by
 1479 rules promulgated by the Supreme Court of Civil Appeals, then
 1480 the decision shall be referred to the presiding judge in the
 1481 case, or if one has not been assigned, then to the chief judge

1482 of the circuit for assignment to a circuit judge, who shall
 1483 enter such orders and judgments as are required to carry out the
 1484 terms of the decision, which orders shall be enforceable by the
 1485 contempt powers of the court and for which judgments execution
 1486 shall issue on request of a party.

1487 Section 80. Section 44.106, Florida Statutes, is amended
 1488 to read:

1489 44.106 Standards and procedures for mediators and
 1490 arbitrators; fees.—The Supreme Court of Civil Appeals shall
 1491 establish minimum standards and procedures for qualifications,
 1492 certification, professional conduct, discipline, and training
 1493 for mediators and arbitrators who are appointed pursuant to this
 1494 chapter. The Supreme Court of Civil Appeals is authorized to set
 1495 fees to be charged to applicants for certification and renewal
 1496 of certification. The revenues generated from these fees shall
 1497 be used to offset the costs of administration of the
 1498 certification process. The Supreme Court of Civil Appeals may
 1499 appoint or employ such personnel as are necessary to assist the
 1500 court in exercising its powers and performing its duties under
 1501 this chapter.

1502 Section 81. Section 44.107, Florida Statutes, is amended
 1503 to read:

1504 44.107 Immunity for arbitrators, mediators, and mediator
 1505 trainees.—

1506 (1) Arbitrators serving under s. 44.103 or s. 44.104,
 1507 mediators serving under s. 44.102, and trainees fulfilling the
 1508 mentorship requirements for certification by the Supreme Court
 1509 of Civil Appeals as a mediator shall have judicial immunity in

1510 the same manner and to the same extent as a judge.

1511 (2) A person serving as a mediator in any noncourt-ordered
 1512 mediation shall have immunity from liability arising from the
 1513 performance of that person's duties while acting within the
 1514 scope of the mediation function if such mediation is:

1515 (a) Required by statute or agency rule or order;

1516 (b) Conducted under ss. 44.401-44.406 by express agreement
 1517 of the mediation parties; or

1518 (c) Facilitated by a mediator certified by the Supreme
 1519 Court of Civil Appeals, unless the mediation parties expressly
 1520 agree not to be bound by ss. 44.401-44.406.

1521
 1522 The mediator does not have immunity if he or she acts in bad
 1523 faith, with malicious purpose, or in a manner exhibiting wanton
 1524 and willful disregard of human rights, safety, or property.

1525 (3) A person serving under s. 44.106 to assist the Supreme
 1526 Court of Civil Appeals in performing its disciplinary function
 1527 shall have absolute immunity from liability arising from the
 1528 performance of that person's duties while acting within the
 1529 scope of that person's appointed function.

1530 Section 82. Subsection (1) of section 44.108, Florida
 1531 Statutes, is amended to read:

1532 44.108 Funding of mediation and arbitration.—

1533 (1) Mediation and arbitration should be accessible to all
 1534 parties regardless of financial status. A filing fee of \$1 is
 1535 levied on all proceedings in the circuit or county courts to
 1536 fund mediation and arbitration services which are the
 1537 responsibility of the Supreme Court of Civil Appeals pursuant to

1538 the provisions of s. 44.106. The clerk of the court shall
 1539 forward the moneys collected to the Department of Revenue for
 1540 deposit in the state courts' Mediation and Arbitration Trust
 1541 Fund.

1542 Section 83. Paragraph (c) of subsection (1) of section
 1543 44.402, Florida Statutes, is amended to read:

1544 44.402 Scope.—

1545 (1) Except as otherwise provided, ss. 44.401-44.406 apply
 1546 to any mediation:

1547 (c) Facilitated by a mediator certified by the Supreme
 1548 Court of Civil Appeals, unless the mediation parties expressly
 1549 agree not to be bound by ss. 44.401-44.406.

1550 Section 84. Subsection (1) of section 57.082, Florida
 1551 Statutes, is amended to read:

1552 57.082 Determination of civil indigent status.—

1553 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 1554 of an attorney in a civil case eligible for court-appointed
 1555 counsel, or seeking relief from payment of filing fees and
 1556 prepayment of costs under s. 57.081, based upon an inability to
 1557 pay must apply to the clerk of the court for a determination of
 1558 civil indigent status using an application form developed by the
 1559 Florida Clerks of Court Operations Corporation with final
 1560 approval by the Supreme Court of Civil Appeals.

1561 (a) The application must include, at a minimum, the
 1562 following financial information:

1563 1. Net income, consisting of total salary and wages, minus
 1564 deductions required by law, including court-ordered support
 1565 payments.

1566 2. Other income, including, but not limited to, social
 1567 security benefits, union funds, veterans' benefits, workers'
 1568 compensation, other regular support from absent family members,
 1569 public or private employee pensions, unemployment compensation,
 1570 dividends, interest, rent, trusts, and gifts.

1571 3. Assets, including, but not limited to, cash, savings
 1572 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1573 equity in real estate, and equity in a boat or a motor vehicle
 1574 or in other tangible property.

1575 4. All liabilities and debts.

1576

1577 The application must include a signature by the applicant which
 1578 attests to the truthfulness of the information provided. The
 1579 application form developed by the corporation must include
 1580 notice that the applicant may seek court review of a clerk's
 1581 determination that the applicant is not indigent, as provided in
 1582 this section.

1583 (b) The clerk shall assist a person who appears before the
 1584 clerk and requests assistance in completing the application, and
 1585 the clerk shall notify the court if a person is unable to
 1586 complete the application after the clerk has provided
 1587 assistance.

1588 (c) The clerk shall accept an application that is signed
 1589 by the applicant and submitted on his or her behalf by a private
 1590 attorney who is representing the applicant in the applicable
 1591 matter.

1592 (d) A person who seeks appointment of an attorney in a
 1593 proceeding under chapter 39, at shelter hearings or during the

1594 adjudicatory process, during the judicial review process, upon
 1595 the filing of a petition to terminate parental rights, or upon
 1596 the filing of any appeal, or if the person seeks appointment of
 1597 an attorney in a reopened proceeding, for which an indigent
 1598 person is eligible for court-appointed representation must pay a
 1599 \$50 application fee to the clerk for each application filed. A
 1600 person is not required to pay more than one application fee per
 1601 case. However, an appeal or the reopening of a proceeding shall
 1602 be deemed to be a distinct case. The applicant must pay the fee
 1603 within 7 days after submitting the application. If the applicant
 1604 has not paid the fee within 7 days, the court shall enter an
 1605 order requiring payment, and the clerk shall pursue collection
 1606 under s. 28.246. The clerk shall transfer monthly all
 1607 application fees collected under this paragraph to the
 1608 Department of Revenue for deposit into the Indigent Civil
 1609 Defense Trust Fund, to be used as appropriated by the
 1610 Legislature. The clerk may retain 10 percent of application fees
 1611 collected monthly for administrative costs prior to remitting
 1612 the remainder to the Department of Revenue. If the person cannot
 1613 pay the application fee, the clerk shall enroll the person in a
 1614 payment plan pursuant to s. 28.246.

1615 Section 85. Section 57.101, Florida Statutes, is amended
 1616 to read:

1617 57.101 Costs in Supreme Court; certain not taxable.—The
 1618 costs of copies of the record of any paper on file in either ~~the~~
 1619 Supreme Court shall not be taxed as costs against the losing
 1620 party unless the copies have been ordered by the party or his or
 1621 her attorney.

1622 Section 86. Subsection (1) of section 59.081, Florida
 1623 Statutes, is amended to read:

1624 59.081 Time for invoking appellate jurisdiction of any
 1625 court.—

1626 (1) The time within which and the method by which the
 1627 jurisdiction of any court in this state possessed of power to
 1628 review the action of any other court, commission, officer or
 1629 bureau may be invoked by appeal, certiorari, petition for review
 1630 or other process by whatever name designated, and the manner of
 1631 computing such time shall be prescribed by court rule ~~of the~~
 1632 ~~Supreme Court.~~

1633 Section 87. Section 59.45, Florida Statutes, is amended to
 1634 read:

1635 59.45 Misconception of remedy; Supreme Court.—If an appeal
 1636 be improvidently taken where the remedy might have been more
 1637 properly sought by certiorari, this alone shall not be a ground
 1638 for dismissal; but the notice of appeal and the record thereon
 1639 shall be regarded and acted on as a petition for certiorari duly
 1640 presented to the appropriate Supreme Court.

1641 Section 88. Paragraph (a) of subsection (4) of section
 1642 61.125, Florida Statutes, is amended to read:

1643 61.125 Parenting coordination.—

1644 (4) QUALIFICATIONS OF A PARENTING COORDINATOR.—A parenting
 1645 coordinator is an impartial third person whose role is to assist
 1646 the parents in successfully creating or implementing a parenting
 1647 plan. Unless there is a written agreement between the parties,
 1648 the court may appoint only a qualified parenting coordinator.

1649 (a) To be qualified, a parenting coordinator must:

- 1650 1. Meet one of the following professional requirements:
- 1651 a. Be licensed as a mental health professional under
- 1652 chapter 490 or chapter 491.
- 1653 b. Be licensed as a physician under chapter 458, with
- 1654 certification by the American Board of Psychiatry and Neurology.
- 1655 c. Be certified by the Florida Supreme Court of Civil
- 1656 Appeals as a family law mediator, with at least a master's
- 1657 degree in a mental health field.
- 1658 d. Be a member in good standing of The Florida Bar.
- 1659 2. Complete all of the following:
- 1660 a. Three years of postlicensure or postcertification
- 1661 practice.
- 1662 b. A family mediation training program certified by the
- 1663 Florida Supreme Court of Civil Appeals.
- 1664 c. A minimum of 24 hours of parenting coordination
- 1665 training in parenting coordination concepts and ethics, family
- 1666 systems theory and application, family dynamics in separation
- 1667 and divorce, child and adolescent development, the parenting
- 1668 coordination process, parenting coordination techniques, and
- 1669 Florida family law and procedure, and a minimum of 4 hours of
- 1670 training in domestic violence and child abuse which is related
- 1671 to parenting coordination.
- 1672 Section 89. Subsection (1) of section 61.183, Florida
- 1673 Statutes, is amended to read:
- 1674 61.183 Mediation of certain contested issues.—
- 1675 (1) In any proceeding in which the issues of parental
- 1676 responsibility, primary residence, access to, visitation with,
- 1677 or support of a child are contested, the court may refer the

PCB CVJS 11-07

ORIGINAL

2011

1678 parties to mediation in accordance with court rules ~~promulgated~~
 1679 ~~by the Supreme Court~~. In Title IV-D cases, any costs, including
 1680 filing fees, recording fees, mediation costs, service of process
 1681 fees, and other expenses incurred by the clerk of the circuit
 1682 court, shall be assessed only against the nonprevailing obligor
 1683 after the court makes a determination of the nonprevailing
 1684 obligor's ability to pay such costs and fees.

1685 Section 90. Section 75.08, Florida Statutes, is amended to
 1686 read:

1687 75.08 Appeal and review.—Any party to the action whether
 1688 plaintiff, defendant, intervenor or otherwise, dissatisfied with
 1689 the final judgment, may appeal to the Supreme Court of Civil
 1690 Appeals within the time and in the manner prescribed by the
 1691 Florida Rules of Appellate Procedure.

1692 Section 91. Subsection (4) of section 90.902, Florida
 1693 Statutes, is amended to read:

1694 90.902 Self-authentication.—Extrinsic evidence of
 1695 authenticity as a condition precedent to admissibility is not
 1696 required for:

1697 (4) A copy of an official public record, report, or entry,
 1698 or of a document authorized by law to be recorded or filed and
 1699 actually recorded or filed in a public office, including data
 1700 compilations in any form, certified as correct by the custodian
 1701 or other person authorized to make the certification by
 1702 certificate complying with subsection (1), subsection (2), or
 1703 subsection (3) or complying with any act of the Legislature or
 1704 court rule ~~adopted by the Supreme Court~~.

1705 Section 92. Paragraphs (c) and (e) of subsection (5) of
 1706 section 100.371, Florida Statutes, is amended to read:

1707 100.371 Initiatives; procedure for placement on ballot.—
 1708 (5)

1709 (c) All meetings of the Financial Impact Estimating
 1710 Conference shall be open to the public. The President of the
 1711 Senate and the Speaker of the House of Representatives, jointly,
 1712 shall be the sole judge for the interpretation, implementation,
 1713 and enforcement of this subsection.

1714 1. The Financial Impact Estimating Conference is
 1715 established to review, analyze, and estimate the financial
 1716 impact of amendments to or revisions of the State Constitution
 1717 proposed by initiative. The Financial Impact Estimating
 1718 Conference shall consist of four principals: one person from the
 1719 Executive Office of the Governor; the coordinator of the Office
 1720 of Economic and Demographic Research, or his or her designee;
 1721 one person from the professional staff of the Senate; and one
 1722 person from the professional staff of the House of
 1723 Representatives. Each principal shall have appropriate fiscal
 1724 expertise in the subject matter of the initiative. A Financial
 1725 Impact Estimating Conference may be appointed for each
 1726 initiative.

1727 2. Principals of the Financial Impact Estimating
 1728 Conference shall reach a consensus or majority concurrence on a
 1729 clear and unambiguous financial impact statement, no more than
 1730 75 words in length, and immediately submit the statement to the
 1731 Attorney General. Nothing in this subsection prohibits the
 1732 Financial Impact Estimating Conference from setting forth a

1733 range of potential impacts in the financial impact statement.
 1734 Any financial impact statement that a court finds not to be in
 1735 accordance with this section shall be remanded solely to the
 1736 Financial Impact Estimating Conference for redrafting. The
 1737 Financial Impact Estimating Conference shall redraft the
 1738 financial impact statement within 15 days.

1739 3. If the members of the Financial Impact Estimating
 1740 Conference are unable to agree on the statement required by this
 1741 subsection, or if the Supreme Court of Civil Appeals has
 1742 rejected the initial submission by the Financial Impact
 1743 Estimating Conference and no redraft has been approved by the
 1744 Supreme Court of Civil Appeals by 5 p.m. on the 75th day before
 1745 the election, the following statement shall appear on the ballot
 1746 pursuant to s. 101.161(1): "The financial impact of this
 1747 measure, if any, cannot be reasonably determined at this time."

1748 (e)1. Any financial impact statement that the Supreme
 1749 Court of Civil Appeals finds not to be in accordance with this
 1750 subsection shall be remanded solely to the Financial Impact
 1751 Estimating Conference for redrafting, provided the court's
 1752 advisory opinion is rendered at least 75 days before the
 1753 election at which the question of ratifying the amendment will
 1754 be presented. The Financial Impact Estimating Conference shall
 1755 prepare and adopt a revised financial impact statement no later
 1756 than 5 p.m. on the 15th day after the date of the court's
 1757 opinion.

1758 2. If, by 5 p.m. on the 75th day before the election, the
 1759 Supreme Court of Civil Appeals has not issued an advisory
 1760 opinion on the initial financial impact statement prepared by

1761 the Financial Impact Estimating Conference for an initiative
 1762 amendment that otherwise meets the legal requirements for ballot
 1763 placement, the financial impact statement shall be deemed
 1764 approved for placement on the ballot.

1765 3. In addition to the financial impact statement required
 1766 by this subsection, the Financial Impact Estimating Conference
 1767 shall draft an initiative financial information statement. The
 1768 initiative financial information statement should describe in
 1769 greater detail than the financial impact statement any projected
 1770 increase or decrease in revenues or costs that the state or
 1771 local governments would likely experience if the ballot measure
 1772 were approved. If appropriate, the initiative financial
 1773 information statement may include both estimated dollar amounts
 1774 and a description placing the estimated dollar amounts into
 1775 context. The initiative financial information statement must
 1776 include both a summary of not more than 500 words and additional
 1777 detailed information that includes the assumptions that were
 1778 made to develop the financial impacts, workpapers, and any other
 1779 information deemed relevant by the Financial Impact Estimating
 1780 Conference.

1781 4. The Department of State shall have printed, and shall
 1782 furnish to each supervisor of elections, a copy of the summary
 1783 from the initiative financial information statements. The
 1784 supervisors shall have the summary from the initiative financial
 1785 information statements available at each polling place and at
 1786 the main office of the supervisor of elections upon request.

1787 5. The Secretary of State and the Office of Economic and
 1788 Demographic Research shall make available on the Internet each

1789 initiative financial information statement in its entirety. In
 1790 addition, each supervisor of elections whose office has a
 1791 website shall post the summary from each initiative financial
 1792 information statement on the website. Each supervisor shall
 1793 include the Internet addresses for the information statements on
 1794 the Secretary of State's and the Office of Economic and
 1795 Demographic Research's websites in the publication or mailing
 1796 required by s. 101.20.

1797 Section 93. Subsection (7) of section 105.036, Florida
 1798 Statutes, is amended to read:

1799 105.036 Initiative for method of selection for circuit or
 1800 county court judges; procedures for placement on ballot.—

1801 (7) Within 10 days after each general election for which
 1802 an initiative to change the method of selection of circuit or
 1803 county court judges was placed on the ballot in any circuit or
 1804 county in the state, the Secretary of State must notify the
 1805 Chief Justice of the Supreme Court of Civil Appeals ~~Florida~~ of
 1806 the changed method for selection of judges for any circuit or
 1807 county where the initiative passed.

1808 Section 94. Paragraph (a) of subsection (8) of section
 1809 112.215, Florida Statutes, is amended to read:

1810 112.215 Government employees; deferred compensation
 1811 program.—

1812 (8) (a) There is created a Deferred Compensation Advisory
 1813 Council composed of seven members.

1814 1. One member shall be appointed by the Speaker of the
 1815 House of Representatives and the President of the Senate jointly
 1816 and shall be an employee of the legislative branch.

1817 2. One member shall be appointed by the Chief Justice of
 1818 the Supreme Court of Civil Appeals and shall be an employee of
 1819 the judicial branch.

1820 3. One member shall be appointed by the chair of the
 1821 Public Employees Relations Commission and shall be a nonexempt
 1822 public employee.

1823 4. The remaining four members shall be employed by the
 1824 executive branch and shall be appointed as follows:

1825 a. One member shall be appointed by the Chancellor of the
 1826 State University System and shall be an employee of the
 1827 university system.

1828 b. One member shall be appointed by the Chief Financial
 1829 Officer and shall be an employee of the Chief Financial Officer.

1830 c. One member shall be appointed by the Governor and shall
 1831 be an employee of the executive branch.

1832 d. One member shall be appointed by the Executive Director
 1833 of the State Board of Administration and shall be an employee of
 1834 the State Board of Administration.

1835 Section 95. Subsection (1) of section 112.321, Florida
 1836 Statutes, is amended to read:

1837 112.321 Membership, terms; travel expenses; staff.—

1838 (1) The commission shall be composed of nine members. Five
 1839 of these members shall be appointed by the Governor, no more
 1840 than three of whom shall be from the same political party,
 1841 subject to confirmation by the Senate. One member appointed by
 1842 the Governor shall be a former city or county official and may
 1843 be a former member of a local planning or zoning board which has
 1844 only advisory duties. Two members shall be appointed by the

1845 Speaker of the House of Representatives, and two members shall
 1846 be appointed by the President of the Senate. Neither the Speaker
 1847 of the House of Representatives nor the President of the Senate
 1848 shall appoint more than one member from the same political
 1849 party. Of the nine members of the Commission, no more than five
 1850 members shall be from the same political party at any one time.
 1851 No member may hold any public employment. An individual who
 1852 qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215 or
 1853 pursuant to any local government charter or ordinance may not
 1854 serve as a member of the commission, except that this
 1855 prohibition does not apply to an individual who is a member of
 1856 the commission on July 1, 2006, until the expiration of his or
 1857 her current term. A member of the commission may not lobby any
 1858 state or local governmental entity as provided in s. 11.045 or
 1859 s. 112.3215 or as provided by any local government charter or
 1860 ordinance, except that this prohibition does not apply to an
 1861 individual who is a member of the commission on July 1, 2006,
 1862 until the expiration of his or her current term. All members
 1863 shall serve 2-year terms. A member may not serve more than two
 1864 full terms in succession. Any member of the commission may be
 1865 removed for cause by majority vote of the Governor, the
 1866 President of the Senate, the Speaker of the House of
 1867 Representatives, and the Chief Justice of the Supreme Court of
 1868 Civil Appeals.

1869 Section 96. Paragraph (b) of subsection (8) and subsection
 1870 (10) of section 112.324, Florida Statutes, is amended to read:
 1871 112.324 Procedures on complaints of violations; public
 1872 records and meeting exemptions.—

1873 (8) If, in cases pertaining to complaints other than
 1874 complaints against impeachable officers or members of the
 1875 Legislature, upon completion of a full and final investigation
 1876 by the commission, the commission finds that there has been a
 1877 violation of this part or of s. 8, Art. II of the State
 1878 Constitution, it shall be the duty of the commission to report
 1879 its findings and recommend appropriate action to the proper
 1880 disciplinary official or body as follows, and such official or
 1881 body shall have the power to invoke the penalty provisions of
 1882 this part, including the power to order the appropriate
 1883 elections official to remove a candidate from the ballot for a
 1884 violation of s. 112.3145 or s. 8(a) and (i), Art. II of the
 1885 State Constitution:

1886 (b) The Supreme Court of Civil Appeals, in any case
 1887 concerning an employee of the judicial branch.

1888 (10) Notwithstanding the foregoing procedures of this
 1889 section, a sworn complaint against any member or employee of the
 1890 Commission on Ethics for violation of this part or of s. 8, Art.
 1891 II of the State Constitution shall be filed with the President
 1892 of the Senate and the Speaker of the House of Representatives.
 1893 Each presiding officer shall, after determining that there are
 1894 sufficient grounds for review, appoint three members of their
 1895 respective bodies to a special joint committee who shall
 1896 investigate the complaint. The members shall elect a chair from
 1897 among their number. If the special joint committee finds
 1898 insufficient evidence to establish probable cause to believe a
 1899 violation of this part or of s. 8, Art. II of the State
 1900 Constitution has occurred, it shall dismiss the complaint. If,

1901 upon completion of its preliminary investigation, the committee
 1902 finds sufficient evidence to establish probable cause to believe
 1903 a violation has occurred, the chair thereof shall transmit such
 1904 findings to the Governor who shall convene a meeting of the
 1905 Governor, the President of the Senate, the Speaker of the House
 1906 of Representatives, and the Chief Justice of the Supreme Court
 1907 of Civil Appeals to take such final action on the complaint as
 1908 they shall deem appropriate, consistent with the penalty
 1909 provisions of this part. Upon request of a majority of the
 1910 Governor, the President of the Senate, the Speaker of the House
 1911 of Representatives, and the Chief Justice of the Supreme Court
 1912 of Civil Appeals, the special joint committee shall submit a
 1913 recommendation as to what penalty, if any, should be imposed.

1914 Section 97. Paragraph (j) of subsection (4) of section
 1915 121.091, Florida Statutes, is amended to read:

1916 121.091 Benefits payable under the system.—Benefits may
 1917 not be paid under this section unless the member has terminated
 1918 employment as provided in s. 121.021(39) (a) or begun
 1919 participation in the Deferred Retirement Option Program as
 1920 provided in subsection (13), and a proper application has been
 1921 filed in the manner prescribed by the department. The department
 1922 may cancel an application for retirement benefits when the
 1923 member or beneficiary fails to timely provide the information
 1924 and documents required by this chapter and the department's
 1925 rules. The department shall adopt rules establishing procedures
 1926 for application for retirement benefits and for the cancellation
 1927 of such application when the required information or documents
 1928 are not received.

1929 (4) DISABILITY RETIREMENT BENEFIT.—
 1930 (j) Disability retirement of justice or judge by order of
 1931 Supreme Court.—
 1932 1. If a member is a justice of the Supreme Court, judge of
 1933 a district court of appeal, circuit judge, or judge of a county
 1934 court who has served for 6 years or more as an elected
 1935 constitutional judicial officer, including service as a judicial
 1936 officer in any court abolished pursuant to Art. V of the State
 1937 Constitution, and who is retired for disability by order of the
 1938 Supreme Court of Criminal Appeals upon recommendation of the
 1939 Judicial Qualifications Commission pursuant to the provisions of
 1940 Art. V of the State Constitution, the member's Option 1 monthly
 1941 benefit as provided in subparagraph (6) (a)1. shall not be less
 1942 than two-thirds of his or her monthly compensation as of the
 1943 member's disability retirement date. Such a member may
 1944 alternatively elect to receive a disability retirement benefit
 1945 under any other option as provided in paragraph (6) (a).
 1946 2. Should any justice or judge who is a member of the
 1947 Florida Retirement System be retired for disability by order of
 1948 the Supreme Court of Criminal Appeals upon recommendation of the
 1949 Judicial Qualifications Commission pursuant to the provisions of
 1950 Art. V of the State Constitution, then all contributions to his
 1951 or her account and all contributions made on his or her behalf
 1952 by the employer shall be transferred to and deposited in the
 1953 General Revenue Fund of the state, and there is hereby
 1954 appropriated annually out of the General Revenue Fund, to be
 1955 paid into the Florida Retirement System Fund, an amount
 1956 necessary to pay the benefits of all justices and judges retired

PCB CVJS 11-07

ORIGINAL

2011

1957 | from the Florida Retirement System pursuant to Art. V of the
 1958 | State Constitution.

1959 | Section 98. Paragraph (m) of subsection (2) of section
 1960 | 121.591, Florida Statutes, is amended to read:

1961 | 121.591 Benefits payable under the Public Employee
 1962 | Optional Retirement Program of the Florida Retirement System.—
 1963 | Benefits may not be paid under this section unless the member
 1964 | has terminated employment as provided in s. 121.021(39) (a) or is
 1965 | deceased and a proper application has been filed in the manner
 1966 | prescribed by the state board or the department. The state board
 1967 | or department, as appropriate, may cancel an application for
 1968 | retirement benefits when the member or beneficiary fails to
 1969 | timely provide the information and documents required by this
 1970 | chapter and the rules of the state board and department. In
 1971 | accordance with their respective responsibilities as provided
 1972 | herein, the State Board of Administration and the Department of
 1973 | Management Services shall adopt rules establishing procedures
 1974 | for application for retirement benefits and for the cancellation
 1975 | of such application when the required information or documents
 1976 | are not received. The State Board of Administration and the
 1977 | Department of Management Services, as appropriate, are
 1978 | authorized to cash out a de minimis account of a participant who
 1979 | has been terminated from Florida Retirement System covered
 1980 | employment for a minimum of 6 calendar months. A de minimis
 1981 | account is an account containing employer contributions and
 1982 | accumulated earnings of not more than \$5,000 made under the
 1983 | provisions of this chapter. Such cash-out must either be a
 1984 | complete lump-sum liquidation of the account balance, subject to

1985 the provisions of the Internal Revenue Code, or a lump-sum
 1986 direct rollover distribution paid directly to the custodian of
 1987 an eligible retirement plan, as defined by the Internal Revenue
 1988 Code, on behalf of the participant. If any financial instrument
 1989 issued for the payment of retirement benefits under this section
 1990 is not presented for payment within 180 days after the last day
 1991 of the month in which it was originally issued, the third-party
 1992 administrator or other duly authorized agent of the State Board
 1993 of Administration shall cancel the instrument and credit the
 1994 amount of the instrument to the suspense account of the Public
 1995 Employee Optional Retirement Program Trust Fund authorized under
 1996 s. 121.4501(6). Any such amounts transferred to the suspense
 1997 account are payable upon a proper application, not to include
 1998 earnings thereon, as provided in this section, within 10 years
 1999 after the last day of the month in which the instrument was
 2000 originally issued, after which time such amounts and any
 2001 earnings thereon shall be forfeited. Any such forfeited amounts
 2002 are assets of the Public Employee Optional Retirement Program
 2003 Trust Fund and are not subject to the provisions of chapter 717.

2004 (2) DISABILITY RETIREMENT BENEFITS.—Benefits provided
 2005 under this subsection are payable in lieu of the benefits which
 2006 would otherwise be payable under the provisions of subsection
 2007 (1). Such benefits shall be funded entirely from employer
 2008 contributions made under s. 121.571, transferred participant
 2009 funds accumulated pursuant to paragraph (a), and interest and
 2010 earnings thereon. Pursuant thereto:

2011 (m) Disability retirement of justice or judge by order of
 2012 Supreme Court.—

2013 1. If a participant is a justice of the Supreme Court,
 2014 judge of a district court of appeal, circuit judge, or judge of
 2015 a county court who has served for 6 years or more as an elected
 2016 constitutional judicial officer, including service as a judicial
 2017 officer in any court abolished pursuant to Art. V of the State
 2018 Constitution, and who is retired for disability by order of the
 2019 Supreme Court of Criminal Appeals upon recommendation of the
 2020 Judicial Qualifications Commission pursuant to the provisions of
 2021 Art. V of the State Constitution, the participant's Option 1
 2022 monthly disability benefit amount as provided in s.
 2023 121.091(6)(a)1. shall be two-thirds of his or her monthly
 2024 compensation as of the participant's disability retirement date.
 2025 Such a participant may alternatively elect to receive an
 2026 actuarially adjusted disability retirement benefit under any
 2027 other option as provided in s. 121.091(6)(a), or to receive the
 2028 normal benefit payable under the Public Employee Optional
 2029 Retirement Program as set forth in subsection (1).

2030 2. If any justice or judge who is a participant of the
 2031 Public Employee Optional Retirement Program of the Florida
 2032 Retirement System is retired for disability by order of the
 2033 Supreme Court of Criminal Appeals upon recommendation of the
 2034 Judicial Qualifications Commission pursuant to the provisions of
 2035 Art. V of the State Constitution and elects to receive a monthly
 2036 disability benefit under the provisions of this paragraph:

2037 a. Any present value amount that was transferred to his or
 2038 her program account and all employer contributions made to such
 2039 account on his or her behalf, plus interest and earnings
 2040 thereon, shall be transferred to and deposited in the disability

2041 account of the Florida Retirement System Trust Fund; and
 2042 b. The monthly benefits payable under this paragraph for
 2043 any affected justice or judge retired from the Florida
 2044 Retirement System pursuant to Art. V of the State Constitution
 2045 shall be paid from the disability account of the Florida
 2046 Retirement System Trust Fund.

2047 Section 99. Subsection (4) of section 215.91, Florida
 2048 Statutes, is amended to read:

2049 215.91 Florida Financial Management Information System;
 2050 board; council.—

2051 (4) The council shall provide ongoing counsel to the board
 2052 and act to resolve problems among or between the functional
 2053 owner subsystems. The board, through the coordinating council,
 2054 shall direct and manage the development, implementation, and
 2055 operation of the information subsystems that together are the
 2056 Florida Financial Management Information System. The
 2057 coordinating council shall approve the information subsystems'
 2058 designs prior to the development, implementation, and operation
 2059 of the subsystems and shall approve subsequent proposed design
 2060 modifications to the information subsystems subject to the
 2061 guidelines issued by the council. The coordinating council shall
 2062 ensure that the information subsystems' operations support the
 2063 exchange of unified and coordinated data between information
 2064 subsystems. The coordinating council shall establish the common
 2065 data codes for financial management, and it shall require and
 2066 ensure the use of common data codes by the information
 2067 subsystems that together constitute the Florida Financial
 2068 Management Information System. The Chief Financial Officer shall

PCB CVJS 11-07

ORIGINAL

2011

2069 adopt a chart of accounts consistent with the common financial
 2070 management data codes established by the coordinating council.
 2071 The board, through the coordinating council, shall establish the
 2072 financial management policies and procedures for the executive
 2073 branch of state government. The coordinating council shall
 2074 notify in writing the chairs of the legislative fiscal
 2075 committees and the Office of the State Court Administrator ~~Chief~~
 2076 ~~Justice of the Supreme Court~~ regarding the adoption of, or
 2077 modification to, a proposed financial management policy or
 2078 procedure. The notice shall solicit comments from the chairs of
 2079 the legislative fiscal committees and the Office of the State
 2080 Court Administrator ~~Chief Justice of the Supreme Court~~ at least
 2081 14 consecutive days before the final action by the coordinating
 2082 council.

2083 Section 100. Paragraph (v) of subsection (1) of section
 2084 216.011, Florida Statutes, is amended to read:

2085 216.011 Definitions.—

2086 (1) For the purpose of fiscal affairs of the state,
 2087 appropriations acts, legislative budgets, and approved budgets,
 2088 each of the following terms has the meaning indicated:

2089 (v) "Judicial branch" means all officers, employees, and
 2090 offices of each ~~the~~ Supreme Court, district courts of appeal,
 2091 circuit courts, county courts, and the Judicial Qualifications
 2092 Commission.

2093 Section 101. Subsection (2) of section 216.0158, Florida
 2094 Statutes, is amended to read:

2095 216.0158 Assessment of facility needs.—

2096 (2) On or before September 15 of each year, each state

PCB CVJS 11-07

ORIGINAL

2011

2097 | agency, as defined in s. 216.011, shall submit to the Executive
 2098 | Office of the Governor, and each district court of appeal and
 2099 | the Marshal of the Supreme Court shall submit to the Office of
 2100 | the State Court Administrator ~~Chief Justice of the Supreme~~
 2101 | ~~Court~~, in a manner prescribed by the legislative budget
 2102 | instructions, a short-term plan for facility needs covering the
 2103 | next 5-year period. The short-term plan shall list the agency's
 2104 | or judicial branch's facility needs in order of priority and
 2105 | shall include preventive maintenance strategies, expected
 2106 | replacement of existing facilities, expected improvements or
 2107 | additions to facilities on a specific project-by-project basis,
 2108 | estimated cost, and other information as prescribed by the
 2109 | legislative budget instructions. The Chief Justice shall certify
 2110 | the final approved plan for the judicial branch to the Executive
 2111 | Office of the Governor which shall include the plan, without
 2112 | modification, in the state comprehensive plan.

2113 | Section 102. Subsection (5) of section 216.023, Florida
 2114 | Statutes, is amended to read:

2115 | 216.023 Legislative budget requests to be furnished to
 2116 | Legislature by agencies.—

2117 | (5) As a part of the legislative budget request, the head
 2118 | of each state agency and the Chief Justice of the Office of the
 2119 | State Court Administrator ~~Supreme Court~~ for the judicial branch
 2120 | shall include an inventory of all litigation in which the agency
 2121 | is involved that may require additional appropriations to the
 2122 | agency, that may significantly affect revenues received or
 2123 | anticipated to be received by the state, or that may require
 2124 | amendments to the law under which the agency operates. No later

2125 than March 1 following the submission of the legislative budget
 2126 request, the head of the state agency and the Office of the
 2127 State Court Administrator ~~Chief Justice of the Supreme Court~~
 2128 shall provide an update of any additions or changes to the
 2129 inventory. Such inventory shall include information specified
 2130 annually in the legislative budget instructions and, within the
 2131 discretion of the head of the state agency or the Office of the
 2132 State Court Administrator ~~Chief Justice of the Supreme Court~~,
 2133 may contain only information found in the pleadings.

2134 Section 103. Subsection (1) of section 216.043, Florida
 2135 Statutes, is amended to read:

2136 216.043 Budgets for fixed capital outlay.—

2137 (1) A legislative budget request, reflecting the
 2138 independent judgment of the head of the agency or of the Office
 2139 of the State Court Administrator ~~Chief Justice of the Supreme~~
 2140 ~~Court~~ with respect to the needs of the agency or of the judicial
 2141 branch for fixed capital outlay during the next fiscal year,
 2142 shall be submitted by each head of an agency and by the Chief
 2143 Justice and shall contain:

2144 (a) An estimate in itemized form showing the amounts
 2145 needed for fixed capital outlay expenditures, to include a
 2146 detailed statement of program needs, estimated construction
 2147 costs and square footage, site costs, operating capital
 2148 necessary to furnish and equip for operating a new or improved
 2149 facility, and the anticipated sources of funding during the next
 2150 fiscal year.

2151 (b) Proposed fixed capital outlay projects, including
 2152 proposed operational standards related to programs and

PCB CVJS 11-07

ORIGINAL

2011

2153 utilization, an analysis of continuing operating costs, and such
 2154 other data as the Executive Office of the Governor deems
 2155 necessary for state agencies, or the Chief Justice deems
 2156 necessary for the judicial branch, to analyze the relationship
 2157 of agency needs and program requirements to construction
 2158 requirements. The plan shall also include the availability and
 2159 suitability of privately constructed and owned buildings and
 2160 facilities to meet the needs and program requirements of the
 2161 agency or of the judicial branch.

2162 (c) For any budget request for fixed capital outlay or
 2163 operating capital outlay which is to be funded by a proposed
 2164 state debt or obligation as defined in s. 216.0442, the
 2165 information set forth in s. 216.0442(2).

2166 Section 104. Subsection (2) of section 216.044, Florida
 2167 Statutes, is amended to read:

2168 216.044 Budget evaluation by Department of Management
 2169 Services.—

2170 (2) Concurrently with the submission of the fixed capital
 2171 outlay legislative budget request to the Executive Office of the
 2172 Governor or to the Office of the State Court Administrator ~~Chief~~
 2173 ~~Justice of the Supreme Court~~, the agency or judicial branch
 2174 shall submit a copy of the legislative budget request to the
 2175 Department of Management Services for evaluation.

2176 Section 105. Section 216.131, Florida Statutes, is amended
 2177 to read:

2178 216.131 Public hearings on legislative budgets.—The
 2179 Governor and the Office of the State Court Administrator ~~Chief~~
 2180 ~~Justice of the Supreme Court~~ shall each provide for at least one

2181 public hearing prior to submission of budget recommendations to
 2182 the Legislature on issues contained in agency legislative budget
 2183 requests or in the judicial branch budget request and issues
 2184 that may be included in budget recommendations to the
 2185 Legislature, which hearing shall be held at such time as the
 2186 Governor or the Chief Justice may fix. The Governor may require
 2187 the attendance or participation, or both, at his or her hearings
 2188 of the heads or responsible representatives of all state
 2189 agencies supported by any form of taxation or licenses, fees,
 2190 imposts, or exactions. The Governor and the Chief Justice may
 2191 provide these hearings simultaneously via electronic format,
 2192 such as teleconference, Internet, etc., provided that a means
 2193 for active participation and questions by the audience is
 2194 accommodated.

2195 Section 106. Paragraph (a) of subsection (2) of section
 2196 216.163, Florida Statutes, is amended to read:

2197 216.163 Governor's recommended budget; form and content;
 2198 declaration of collective bargaining impasses.—

2199 (2) The Governor's recommended budget shall also include:

2200 (a) The Governor's recommendations for operating each
 2201 state agency, and those of the Office of the State Court
 2202 Administrator ~~Chief Justice of the Supreme Court~~ for operating
 2203 the judicial branch, for the next fiscal year. These
 2204 recommendations shall be displayed by appropriation category
 2205 within each budget entity and shall also include the legislative
 2206 budget request of the corresponding agency. In order to present
 2207 a balanced budget as required by s. 216.162, the Governor's
 2208 recommendations for operating appropriations may include an

PCB CVJS 11-07

ORIGINAL

2011

2209 alternative recommendation to that of the Chief Justice.
 2210 Section 107. Paragraph (b) of subsection (1) and
 2211 paragraphs (a) and (b) of subsection (2) of section 216.177,
 2212 Florida Statutes, are amended to read:
 2213 216.177 Appropriations acts, statement of intent,
 2214 violation, notice, review and objection procedures.—
 2215 (1) When an appropriations act is delivered to the
 2216 Governor after the Legislature has adjourned sine die, as soon
 2217 as practicable, but no later than the 10th day before the end of
 2218 the period allowed by law for veto consideration in any year in
 2219 which an appropriation is made, the chairs of the legislative
 2220 appropriations committees shall jointly transmit:
 2221 (b) The documents set forth in s. 216.0442(2)(a) and (c),
 2222
 2223 to the Executive Office of the Governor, the Chief Financial
 2224 Officer, the Auditor General, the director of the Office of
 2225 Program Policy Analysis and Government Accountability, the
 2226 Office of the State Court Administrator ~~Chief Justice of the~~
 2227 ~~Supreme Court~~, and each state agency. A request for additional
 2228 explanation and direction regarding the legislative intent of
 2229 the General Appropriations Act during the fiscal year may be
 2230 made to the chair and vice chair of the Legislative Budget
 2231 Commission or the President of the Senate and the Speaker of the
 2232 House of Representatives only by and through the Executive
 2233 Office of the Governor for state agencies, and by and through
 2234 the Office of the State Court Administrator ~~Chief Justice of the~~
 2235 ~~Supreme Court~~ for the judicial branch, as is deemed necessary.
 2236 However, the Chief Financial Officer may also request further

2237 clarification of legislative intent pursuant to the Chief
 2238 Financial Officer's responsibilities related to his or her
 2239 preaudit function of expenditures.

2240 (2) (a) Whenever notice of action to be taken by the
 2241 Executive Office of the Governor or the Office of the State
 2242 Court Administrator ~~Chief Justice of the Supreme Court~~ is
 2243 required by law, such notice shall be given to the chair and
 2244 vice chair of the Legislative Budget Commission in writing, and
 2245 shall be delivered at least 14 days prior to the action referred
 2246 to, unless a shorter period is approved in writing by the chair
 2247 and vice chair or a different period is specified by law. If the
 2248 action is solely for the release of funds appropriated by the
 2249 Legislature, the notice shall be delivered at least 3 days
 2250 before the effective date of the action. Action shall not be
 2251 taken on any budget item for which this chapter requires notice
 2252 to the Legislative Budget Commission or the appropriations
 2253 committees without such notice having been provided, even though
 2254 there may be good cause for considering such item.

2255 (b) If the chair and vice chair of the Legislative Budget
 2256 Commission or the President of the Senate and the Speaker of the
 2257 House of Representatives timely advise, in writing, the
 2258 Executive Office of the Governor or the Office of the State
 2259 Court Administrator ~~Chief Justice of the Supreme Court~~ that an
 2260 action or a proposed action, including any expenditure of funds
 2261 resulting from the settlement of litigation involving a state
 2262 agency or officer, whether subject to the notice and review
 2263 requirements of this chapter or not, exceeds the delegated
 2264 authority of the Executive Office of the Governor for the

PCB CVJS 11-07

ORIGINAL

2011

2265 executive branch or the Office of the State Court Administrator
 2266 ~~Chief Justice~~ for the judicial branch, respectively, or is
 2267 contrary to legislative policy and intent, the Governor or the
 2268 Office of the State Court Administrator ~~Chief Justice of the~~
 2269 ~~Supreme Court~~ shall void such action and instruct the affected
 2270 state agency or entity of the judicial branch to change
 2271 immediately its spending action or spending proposal until the
 2272 Legislative Budget Commission or the Legislature addresses the
 2273 issue. The written documentation shall indicate the specific
 2274 reasons that an action or proposed action exceeds the delegated
 2275 authority or is contrary to legislative policy and intent.

2276 Section 108. Section 216.179, Florida Statutes, is amended
 2277 to read:

2278 216.179 Reinstatement of vetoed appropriations by
 2279 administrative means prohibited.—After the Governor has vetoed a
 2280 specific appropriation for an agency or the judicial branch,
 2281 neither the Governor, the Office of the State Court
 2282 Administrator ~~Chief Justice of the Supreme Court~~, nor a state
 2283 agency, in their various statutory and constitutional roles, may
 2284 authorize expenditures for or implementation in any manner of
 2285 the programs that were authorized by the vetoed appropriation.

2286 Section 109. Subsections (1), (6), (7), and (8), paragraph
 2287 (a) of subsection (10), paragraphs (a) and (b) of subsection
 2288 (11), and subsection (14) of section 216.181, Florida Statutes,
 2289 are amended to read:

2290 216.181 Approved budgets for operations and fixed capital
 2291 outlay.—

2292 (1) The General Appropriations Act and any other acts

2293 containing appropriations shall be considered the original
 2294 approved operating budgets for operational and fixed capital
 2295 expenditures. Amendments to the approved operating budgets for
 2296 operational and fixed capital outlay expenditures from state
 2297 agencies may be requested only through the Executive Office of
 2298 the Governor and approved by the Governor and the Legislative
 2299 Budget Commission as provided in this chapter. Amendments from
 2300 the judicial branch may be requested only through the Office of
 2301 the State Court Administrator ~~Chief Justice of the Supreme Court~~
 2302 and must be approved by the Chief Justice and the Legislative
 2303 Budget Commission as provided in this chapter. This includes
 2304 amendments which are necessary to implement the provisions of s.
 2305 216.212 or s. 216.221.

2306 (6) (a) A detailed plan allocating a lump-sum appropriation
 2307 to traditional appropriations categories shall be submitted by
 2308 the affected agency to the Executive Office of the Governor or
 2309 the Office of the State Court Administrator ~~Chief Justice of the~~
 2310 ~~Supreme Court~~. The Executive Office of the Governor and the
 2311 Office of the State Court Administrator ~~Chief Justice of the~~
 2312 ~~Supreme Court~~ shall submit such plan to the chair and vice chair
 2313 of the Legislative Budget Commission either before or concurrent
 2314 with the submission of any budget amendment that recommends the
 2315 transfer and release of the balance of a lump-sum appropriation.

2316 (b) The Executive Office of the Governor and the Office of
 2317 the State Court Administrator ~~Chief Justice of the Supreme Court~~
 2318 may amend, without approval of the Legislative Budget
 2319 Commission, state agency and judicial branch entity budgets,
 2320 respectively, to reflect the transferred funds and to provide

PCB CVJS 11-07

ORIGINAL

2011

2321 the associated increased salary rate based on the approved plans
 2322 for lump-sum appropriations. Any action proposed pursuant to
 2323 this paragraph is subject to the procedures set forth in s.
 2324 216.177.

2325
 2326 The Executive Office of the Governor shall transmit to each
 2327 state agency and the Chief Financial Officer, and the Chief
 2328 Justice shall transmit to each judicial branch component and the
 2329 Chief Financial Officer, any approved amendments to the approved
 2330 operating budgets.

2331 (7) The Executive Office of the Governor may, for the
 2332 purpose of improved contract administration, authorize the
 2333 consolidation of two or more fixed capital outlay appropriations
 2334 for an agency, and the Office of the State Court Administrator
 2335 ~~Chief Justice of the Supreme Court~~ for the judicial branch,
 2336 except for projects authorized under chapter 1013, provided the
 2337 original scope and purpose of each project are not changed.

2338 (8) As part of the approved operating budget, the
 2339 Executive Office of the Governor shall furnish to each state
 2340 agency, and the Office of the State Court Administrator ~~Chief~~
 2341 ~~Justice of the Supreme Court~~ shall furnish to the entity of the
 2342 judicial branch, an approved annual salary rate for each budget
 2343 entity containing a salary appropriation. This rate shall be
 2344 based upon the actual salary rate and shall be consistent with
 2345 the General Appropriations Act or special appropriations acts.
 2346 The annual salary rate shall be:

2347 (a) Determined by the salary rate specified in the General
 2348 Appropriations Act and adjusted for reorganizations authorized

2349 by law, for any other appropriations made by law, and, subject
 2350 to s. 216.177, for distributions of lump-sum appropriations and
 2351 administered funds and for actions that require authorization of
 2352 salary rate from salary rate reserve and placement of salary
 2353 rate in salary rate reserve.

2354 (b) Controlled by department or agency; except for the
 2355 Department of Education, which shall be controlled by division
 2356 and for the judicial branch, which shall be controlled at the
 2357 branch level.

2358 (c) Assigned to the number of authorized positions.

2359 (10) (a) The Legislative Budget Commission may authorize
 2360 increases or decreases in the approved salary rate, except as
 2361 authorized in paragraph (8) (a), for positions pursuant to the
 2362 request of the agency filed with the Executive Office of the
 2363 Governor or pursuant to the request of an entity of the judicial
 2364 branch filed with the Office of the State Court Administrator
 2365 ~~Chief Justice of the Supreme Court~~, if deemed necessary and in
 2366 the best interest of the state and consistent with legislative
 2367 policy and intent.

2368 (11) (a) The Executive Office of the Governor and the
 2369 Office of the State Court Administrator ~~Chief Justice of the~~
 2370 ~~Supreme Court~~ may approve changes in the amounts appropriated
 2371 from state trust funds in excess of those in the approved
 2372 operating budget up to \$1 million only pursuant to the federal
 2373 funds provisions of s. 216.212, when grants and donations are
 2374 received after April 1, or when deemed necessary due to a set of
 2375 conditions that were unforeseen at the time the General
 2376 Appropriations Act was adopted and that are essential to correct

2377 | in order to continue the operation of government.

2378 | (b) Changes in the amounts appropriated from state trust
 2379 | funds in excess of those in the approved operating budget which
 2380 | are in excess of \$1 million may be approved only by the
 2381 | Legislative Budget Commission pursuant to the request of a state
 2382 | agency filed with the Executive Office of the Governor or
 2383 | pursuant to the request of an entity of the judicial branch
 2384 | filed with the Office of the State Court Administrator ~~Chief~~
 2385 | ~~Justice of the Supreme Court.~~

2386 |
 2387 | The provisions of this subsection are subject to the notice and
 2388 | objection procedures set forth in s. 216.177.

2389 | (14) The Executive Office of the Governor and the Office
 2390 | of the State Court Administrator ~~Chief Justice of the Supreme~~
 2391 | ~~Court~~ shall certify the amounts approved for operations and
 2392 | fixed capital outlay, together with any relevant supplementary
 2393 | materials or information, to the Chief Financial Officer; and
 2394 | such certification shall be the Chief Financial Officer's guide
 2395 | with reference to the expenditures of each state agency pursuant
 2396 | to s. 216.192.

2397 | Section 110. Subsection (2) of section 216.1815, Florida
 2398 | Statutes, is amended to read:

2399 | 216.1815 Agency incentive and savings program.—

2400 | (2) To be eligible to retain funds, an agency or the
 2401 | Office of the State Court Administrator ~~Chief Justice of the~~
 2402 | ~~Supreme Court~~ must submit a plan and an associated request to
 2403 | amend its approved operating budget to the Legislative Budget
 2404 | Commission specifying:

PCB CVJS 11-07

ORIGINAL

2011

2405 (a) The modifications to approved programs resulting in
 2406 efficiencies and cost savings;

2407 (b) The amount and source of the funds and positions
 2408 saved;

2409 (c) The specific positions, rate, amounts, and sources of
 2410 funds the agency or the judicial branch wishes to include in its
 2411 incentive expenditures;

2412 (d) How the agency or the judicial branch will meet the
 2413 goals and objectives established in its long-range program plan;

2414 (e) How the agency or the judicial branch will meet
 2415 performance standards, including those in its long-range program
 2416 plan; and

2417 (f) Any other incentive expenditures which the agency or
 2418 the judicial branch believes will enhance its performance.

2419 Section 111. Section 216.1826, Florida Statutes, is
 2420 amended to read:

2421 216.1826 Activity-based planning and budgeting.—Agencies
 2422 are directed to work in consultation with the Executive Office
 2423 of the Governor and the appropriations and appropriate
 2424 substantive committees of the Legislature, and the Office of the
 2425 State Court Administrator ~~Chief Justice of the Supreme Court~~ is
 2426 directed to work with the appropriations and appropriate
 2427 substantive committees of the Legislature, to identify and reach
 2428 consensus on the appropriate services and activities for
 2429 activity-based budgeting. It is the intent of the Legislature
 2430 that all dollars within an agency or the judicial branch be
 2431 allocated to the appropriate activity for budgeting purposes.
 2432 Additionally, agencies or the judicial branch shall examine

PCB CVJS 11-07

ORIGINAL

2011

2433 approved performance measures and recommend any changes so that
 2434 outcomes are clearly delineated for each service or program, as
 2435 appropriate, and outputs are aligned with activities. Output
 2436 measures should be capable of being used to generate a unit cost
 2437 for each activity resulting in a true accounting of what the
 2438 state should spend on each activity it provides and what the
 2439 state should expect to accomplish with those funds.

2440 Section 112. Paragraph (b) of subsection (3) and paragraph
 2441 (a) of subsection (4) of section 216.1827, Florida Statutes, is
 2442 amended to read:

2443 216.1827 Requirements for performance measures and
 2444 standards.—

2445 (3)

2446 (b) The Office of the State Court Administrator ~~Chief~~
 2447 ~~Justice of the Supreme Court~~ may submit deletions or amendments
 2448 of the judicial branch's existing approved performance measures
 2449 and standards or may submit additional performance measures and
 2450 standards to the Legislature accompanied with justification for
 2451 the change and ensure that the revision, deletion, or addition
 2452 is consistent with legislative intent. Revisions or deletions
 2453 to, or additions of performance measures and standards submitted
 2454 by the Office of the State Court Administrator ~~Chief Justice of~~
 2455 ~~the Supreme Court~~ are subject to the review and objection
 2456 procedure set forth in s. 216.177.

2457 (4) (a) The Legislature may create, amend, and delete
 2458 performance measures and standards. The Legislature may confer
 2459 with the Executive Office of the Governor for state agencies and
 2460 the Office of the State Court Administrator ~~Chief Justice of the~~

PCB CVJS 11-07

ORIGINAL

2011

2461 ~~Supreme Court~~ for the judicial branch prior to any such action.
 2462 Section 113. Subsection (1) of section 216.192, Florida
 2463 Statutes, is amended to read:
 2464 216.192 Release of appropriations; revision of budgets.—
 2465 (1) Unless otherwise provided in law, on July 1 of each
 2466 fiscal year, up to 25 percent of the original approved operating
 2467 budget of each agency and of the judicial branch may be released
 2468 until such time as annual plans for quarterly releases for all
 2469 appropriations have been developed, approved, and furnished to
 2470 the Chief Financial Officer by the Executive Office of the
 2471 Governor for state agencies and by the Office of the State Court
 2472 Administrator ~~Chief Justice of the Supreme Court~~ for the
 2473 judicial branch. The plans, including appropriate plans of
 2474 releases for fixed capital outlay projects that correspond with
 2475 each project schedule, shall attempt to maximize the use of
 2476 trust funds and shall be transmitted to the Chief Financial
 2477 Officer by August 1 of each fiscal year. Such releases shall at
 2478 no time exceed the total appropriations available to a state
 2479 agency or to the judicial branch, or the approved budget for
 2480 such agency or the judicial branch if less. The Chief Financial
 2481 Officer shall enter such releases in his or her records in
 2482 accordance with the release plans prescribed by the Executive
 2483 Office of the Governor and the Chief Justice, unless otherwise
 2484 amended as provided by law. The Executive Office of the Governor
 2485 and the Chief Justice shall transmit a copy of the approved
 2486 annual releases to the head of the state agency, the chair and
 2487 vice chair of the Legislative Budget Commission, and the Auditor
 2488 General. The Chief Financial Officer shall authorize all

2489 expenditures to be made from the appropriations on the basis of
 2490 such releases and in accordance with the approved budget, and
 2491 not otherwise. Expenditures shall be authorized only in
 2492 accordance with legislative authorizations. Nothing herein
 2493 precludes periodic reexamination and revision by the Executive
 2494 Office of the Governor or by the Chief Justice of the annual
 2495 plans for release of appropriations and the notifications of the
 2496 parties of all such revisions.

2497 Section 114. Section 216.195, Florida Statutes, is amended
 2498 to read:

2499 216.195 Impoundment of funds; restricted.—The Executive
 2500 Office of the Governor, the Office of the State Court
 2501 Administrator ~~Chief Justice of the Supreme Court~~, any member of
 2502 the Cabinet, or any state agency shall not impound any
 2503 appropriation except as necessary to avoid or eliminate a
 2504 deficit pursuant to the provisions of s. 216.221. As used in
 2505 this section, the term "impoundment" means the omission of any
 2506 appropriation or part of an appropriation in the approved
 2507 operating plan prepared pursuant to s. 216.181 or in the
 2508 schedule of releases prepared pursuant to s. 216.192 or the
 2509 failure of any state agency or the judicial branch to spend an
 2510 appropriation for the stated purposes authorized in the approved
 2511 operating budget. The Governor or either house of the
 2512 Legislature may seek judicial review of any action or proposed
 2513 action which violates this section.

2514 Section 115. Paragraph (b) of subsection (1) and
 2515 subsection (3) of section 216.212, Florida Statutes, is amended
 2516 to read:

2517 216.212 Budgets for federal funds; restrictions on
 2518 expenditure of federal funds.—

2519 (1) The Executive Office of the Governor and the office of
 2520 the Chief Financial Officer shall develop and implement
 2521 procedures for accelerating the drawdown of, and minimizing the
 2522 payment of interest on, federal funds. The Executive Office of
 2523 the Governor shall establish a clearinghouse for federal
 2524 programs and activities. The clearinghouse shall develop the
 2525 capacity to respond to federal grant opportunities and to
 2526 coordinate the use of federal funds in the state.

2527 (b) Every office or court of the judicial branch, when
 2528 making a request or preparing a budget to be submitted to the
 2529 Federal Government for funds, equipment, material, or services,
 2530 shall submit such request or budget to the Office of the State
 2531 Court Administrator ~~Chief Justice of the Supreme Court~~ for
 2532 approval before submitting it to the proper federal authority.
 2533 However, the Chief Justice may specifically authorize any court
 2534 to submit specific types of grant proposals directly to the
 2535 Federal Government.

2536 (3) Federal money appropriated by Congress or received
 2537 from court settlements to be used for state purposes, whether by
 2538 itself or in conjunction with moneys appropriated by the
 2539 Legislature, may not be expended unless appropriated by the
 2540 Legislature. However, the Executive Office of the Governor or
 2541 the Office of the State Court Administrator ~~Chief Justice of the~~
 2542 ~~Supreme Court~~ may, after consultation with the legislative
 2543 appropriations committees, approve the receipt and expenditure
 2544 of funds from federal sources by state agencies or by the

2545 judicial branch. Any federal programs requiring state matching
 2546 funds which funds were eliminated, or were requested and were
 2547 not approved, by the Legislature may not be implemented during
 2548 the interim. However, federal and other fund sources for the
 2549 State University System which do not carry a continuing
 2550 commitment on future appropriations are hereby appropriated for
 2551 the purpose received.

2552 Section 116. Paragraphs (a) and (b) of subsection (5) and
 2553 subsections (7) and (9) of section 216.221, Florida Statutes,
 2554 are amended to read:

2555 216.221 Appropriations as maximum appropriations;
 2556 adjustment of budgets to avoid or eliminate deficits.-

2557 (5) (a) If, in the opinion of the Governor, after
 2558 consultation with the Revenue Estimating Conference, a deficit
 2559 will occur in the General Revenue Fund, he or she shall so
 2560 certify to the commission and to the Office of the State Court
 2561 Administrator ~~Chief Justice of the Supreme Court~~. No more than
 2562 30 days after certifying that a deficit will occur in the
 2563 General Revenue Fund, the Governor shall develop for the
 2564 executive branch, and the Office of the State Court
 2565 Administrator ~~Chief Justice of the Supreme Court~~ shall develop
 2566 for the judicial branch, and provide to the commission and to
 2567 the Legislature plans of action to eliminate the deficit.

2568 (b) If, in the opinion of the President of the Senate and
 2569 the Speaker of the House of Representatives, after consultation
 2570 with the Revenue Estimating Conference, a deficit will occur in
 2571 the General Revenue Fund and the Governor has not certified the
 2572 deficit, the President of the Senate and the Speaker of the

2573 House of Representatives shall so certify. Within 30 days after
 2574 such certification, the Governor shall develop for the executive
 2575 branch and the Office of the State Court Administrator ~~Chief~~
 2576 ~~Justice of the Supreme Court~~ shall develop for the judicial
 2577 branch and provide to the commission and to the Legislature
 2578 plans of action to eliminate the deficit.

2579 (7) Deficits in the General Revenue Fund that do not meet
 2580 the amounts specified by subsection (6) shall be resolved by the
 2581 Governor for the executive branch and the Office of the State
 2582 Court Administrator ~~Chief Justice of the Supreme Court~~ for the
 2583 judicial branch. The Governor and Chief Justice shall implement
 2584 any directions provided in the General Appropriations Act
 2585 related to eliminating deficits and to reducing agency and
 2586 judicial branch budgets, including the use of those legislative
 2587 appropriations voluntarily placed in reserve. In addition, the
 2588 Governor and Chief Justice shall implement any directions in the
 2589 General Appropriations Act relating to the resolution of deficit
 2590 situations. When reducing state agency or judicial branch
 2591 budgets, the Governor or the Chief Justice, respectively, shall
 2592 use the guidelines prescribed in subsection (5). The Executive
 2593 Office of the Governor, and the Chief Justice for the judicial
 2594 branch, shall implement the deficit reduction plans through
 2595 amendments to the approved operating budgets in accordance with
 2596 s. 216.181.

2597 (9) If, in the opinion of the Chief Financial Officer,
 2598 after consultation with the Revenue Estimating Conference, a
 2599 deficit will occur, he or she shall report his or her opinion to
 2600 the Governor, the President of the Senate, and the Speaker of

2601 the House of Representatives in writing. In the event the
 2602 Governor does not certify a deficit, or the President of the
 2603 Senate and the Speaker of the House of Representatives do not
 2604 certify a deficit within 10 days after the Chief Financial
 2605 Officer's report, the Chief Financial Officer shall report his
 2606 or her findings and opinion to the commission and the Office of
 2607 the State Court Administrator ~~Chief Justice of the Supreme~~
 2608 ~~Court~~.

2609 Section 117. Paragraphs (c) and (d) of subsection (1) of
 2610 section 216.262, Florida Statutes, are amended to read:

2611 216.262 Authorized positions.—

2612 (1)

2613 (c)1. The Executive Office of the Governor, under such
 2614 procedures and qualifications as it deems appropriate, shall,
 2615 upon agency request, delegate to any state agency authority to
 2616 add and delete authorized positions or transfer authorized
 2617 positions from one budget entity to another budget entity within
 2618 the same division, and may approve additions and deletions of
 2619 authorized positions or transfers of authorized positions within
 2620 the state agency when such changes would enable the agency to
 2621 administer more effectively its authorized and approved
 2622 programs. The additions or deletions must be consistent with the
 2623 intent of the approved operating budget, must be consistent with
 2624 legislative policy and intent, and must not conflict with
 2625 specific spending policies specified in the General
 2626 Appropriations Act.

2627 2. The Office of the State Court Administrator ~~Chief~~
 2628 ~~Justice of the Supreme Court~~ shall have the authority to

2629 | establish procedures for the judicial branch to add and delete
 2630 | authorized positions or transfer authorized positions from one
 2631 | budget entity to another budget entity, and to add and delete
 2632 | authorized positions within the same budget entity, when such
 2633 | changes are consistent with legislative policy and intent and do
 2634 | not conflict with spending policies specified in the General
 2635 | Appropriations Act.

2636 | (d) An individual employed by a state agency or by the
 2637 | judicial branch may not hold more than one employment during his
 2638 | or her normal working hours with the state, such working hours
 2639 | to be determined by the head of the state agency affected,
 2640 | unless approved by the Department of Management Services, or
 2641 | otherwise delegated to the agency head, or by the Office of the
 2642 | State Court Administrator ~~Chief Justice of the Supreme Court~~,
 2643 | respectively.

2644 | Section 118. Subsections (2) and (4) of section 216.292,
 2645 | Florida Statutes, are amended to read:

2646 | 216.292 Appropriations nontransferable; exceptions.—

2647 | (2) The following transfers are authorized to be made by
 2648 | the head of each department or the Office of the State Court
 2649 | Administrator ~~Chief Justice of the Supreme Court~~ whenever it is
 2650 | deemed necessary by reason of changed conditions:

2651 | (a) The transfer of appropriations funded from identical
 2652 | funding sources, except appropriations for fixed capital outlay,
 2653 | and the transfer of amounts included within the total original
 2654 | approved budget and plans of releases of appropriations as
 2655 | furnished pursuant to ss. 216.181 and 216.192, as follows:

2656 | 1. Between categories of appropriations within a budget

2657 entity, if no category of appropriation is increased or
 2658 decreased by more than 5 percent of the original approved budget
 2659 or \$250,000, whichever is greater, by all action taken under
 2660 this subsection.

2661 2. Between budget entities within identical categories of
 2662 appropriations, if no category of appropriation is increased or
 2663 decreased by more than 5 percent of the original approved budget
 2664 or \$250,000, whichever is greater, by all action taken under
 2665 this subsection.

2666 3. Any agency exceeding salary rate established pursuant
 2667 to s. 216.181(8) on June 30th of any fiscal year shall not be
 2668 authorized to make transfers pursuant to subparagraphs 1. and 2.
 2669 in the subsequent fiscal year.

2670 4. Notice of proposed transfers under subparagraphs 1. and
 2671 2. shall be provided to the Executive Office of the Governor and
 2672 the chairs of the legislative appropriations committees at least
 2673 3 days prior to agency implementation in order to provide an
 2674 opportunity for review. The review shall be limited to ensuring
 2675 that the transfer is in compliance with the requirements of this
 2676 paragraph.

2677 (b) After providing notice at least 5 working days prior
 2678 to implementation:

2679 1. The transfer of funds within programs identified in the
 2680 General Appropriations Act from identical funding sources
 2681 between the following appropriation categories without
 2682 limitation so long as such a transfer does not result in an
 2683 increase, to the total recurring general revenue or trust fund
 2684 cost of the agency or entity of the judicial branch in the

2685 subsequent fiscal year: other personal services, expenses,
 2686 operating capital outlay, food products, state attorney and
 2687 public defender operations, data processing services, operating
 2688 and maintenance of patrol vehicles, overtime payments, salary
 2689 incentive payments, compensation to retired judges, law
 2690 libraries, and juror and witness payments.

2691 2. The transfer of funds and positions from identical
 2692 funding sources between salaries and benefits appropriation
 2693 categories within programs identified in the General
 2694 Appropriations Act. Such transfers must be consistent with
 2695 legislative policy and intent and may not adversely affect
 2696 achievement of approved performance outcomes or outputs in any
 2697 program.

2698 (c) The transfer of funds appropriated to accounts
 2699 established for disbursement purposes upon release of such
 2700 appropriation upon request of a department and approval by the
 2701 Chief Financial Officer. Such transfer may only be made to the
 2702 same appropriation category and the same funding source from
 2703 which the funds are transferred.

2704 (4) The following transfers are authorized with the
 2705 approval of the Legislative Budget Commission. Unless waived by
 2706 the chair and vice chair of the commission, notice of such
 2707 transfers must be provided 14 days before the commission
 2708 meeting:

2709 (a) The transfer of appropriations for operations from the
 2710 General Revenue Fund in excess of those provided in this section
 2711 but within a state agency or within the judicial branch, as
 2712 recommended by the Executive Office of the Governor or the

2713 Office of the State Court Administrator ~~Chief Justice of the~~
 2714 ~~Supreme Court.~~

2715 (b) The transfer of appropriations for operations from
 2716 trust funds in excess of those authorized in subsection (2) or
 2717 subsection (3), as recommended by the Executive Office of the
 2718 Governor or the Office of the State Court Administrator ~~Chief~~
 2719 ~~Justice of the Supreme Court.~~

2720 (c) The transfer of the portion of an appropriation for a
 2721 named fixed capital outlay project found to be in excess of that
 2722 needed to complete the project to another project for which
 2723 there has been an appropriation in the same fiscal year from the
 2724 same fund and within the same department where a deficiency is
 2725 found to exist, at the request of the Executive Office of the
 2726 Governor for state agencies or the Office of the State Court
 2727 Administrator ~~Chief Justice of the Supreme Court~~ for the
 2728 judicial branch. The scope of a fixed capital outlay project may
 2729 not be changed by any transfer of funds made pursuant to this
 2730 subsection.

2731 (d) The transfers necessary to accomplish the purposes of
 2732 reorganization within state agencies or the judicial branch
 2733 authorized by the Legislature when the necessary adjustments of
 2734 appropriations and positions have not been provided in the
 2735 General Appropriations Act.

2736 Section 119. Paragraph (d) of subsection (1) and paragraph
 2737 (c) of subsection (2) of section 216.301, Florida Statutes, is
 2738 amended to read:

2739 216.301 Appropriations; undisbursed balances.—

2740 (1)

2741 (d) Each department and the judicial branch shall maintain
 2742 the integrity of the General Revenue Fund. Appropriations from
 2743 the General Revenue Fund contained in the original approved
 2744 budget may be transferred to the proper trust fund for
 2745 disbursement. Any reversion of appropriation balances from
 2746 programs which receive funding from the General Revenue Fund and
 2747 trust funds shall be transferred to the General Revenue Fund
 2748 within 15 days after such reversion, unless otherwise provided
 2749 by federal or state law, including the General Appropriations
 2750 Act. The Executive Office of the Governor or the Office of the
 2751 State Court Administrator ~~Chief Justice of the Supreme Court~~
 2752 shall determine the state agency or judicial branch programs
 2753 which are subject to this paragraph. This determination shall be
 2754 subject to the legislative consultation and objection process in
 2755 this chapter. The Education Enhancement Trust Fund shall not be
 2756 subject to the provisions of this section.

2757 (2)

2758 (c) The balance of any appropriation for fixed capital
 2759 outlay certified forward under paragraph (a) which is not
 2760 disbursed but expended, contracted, or committed to be expended
 2761 prior to the end of the second fiscal year of the appropriation,
 2762 or the third fiscal year if it is for an educational facility as
 2763 defined in chapter 1013 or for a construction project of a state
 2764 university, and any subsequent fiscal year, shall be certified
 2765 by the head of the affected state agency or the legislative or
 2766 judicial branch on or before August 1 of each year to the
 2767 Executive Office of the Governor, showing in detail the
 2768 commitment or to whom obligated and the amount of such

PCB CVJS 11-07

ORIGINAL

2011

2769 | commitment or obligation. On or before September 1 of each year,
 2770 | the Executive Office of the Governor shall review and approve or
 2771 | disapprove, consistent with legislative policy and intent, any
 2772 | or all of the items and amounts certified by the head of the
 2773 | affected state agency and shall approve all items and amounts
 2774 | certified by the Office of the State Court Administrator ~~Chief~~
 2775 | ~~Justice of the Supreme Court~~ and by the legislative branch and
 2776 | shall furnish the Chief Financial Officer, the legislative
 2777 | appropriations committees, and the Auditor General a detailed
 2778 | listing of the items and amounts approved as legal encumbrances
 2779 | against the undisbursed balances of such appropriations. If such
 2780 | certification is not made and the balance of the appropriation
 2781 | has reverted and the obligation is proven to be legal, due, and
 2782 | unpaid, the obligation shall be presented to the Legislature for
 2783 | its consideration.

2784 | Section 120. Section 272.04, Florida Statutes, is amended
 2785 | to read:

2786 | 272.04 Department to allocate space.—The Department of
 2787 | Management Services shall have authority to allocate space to
 2788 | house the various departments, agencies, boards, and commissions
 2789 | in said buildings, excepting, however, the ~~new~~ Supreme Court
 2790 | Building, for which authority shall be vested in the justices of
 2791 | the Supreme Court.

2792 | Section 121. Subsection (15) of section 287.059, Florida
 2793 | Statutes, is amended to read:

2794 | 287.059 Private attorney services.—

2795 | (15) The Attorney General's office may, by rule, adopt
 2796 | standard fee schedules for court reporting services for each

2797 | judicial circuit in consultation with the Florida Court
 2798 | Reporters Association. Agencies, when contracting for court
 2799 | reporting services, must use the standard fee schedule for court
 2800 | reporting services established pursuant to this section,
 2801 | provided no state contract is applicable or unless the head of
 2802 | the agency or his or her designee waives use of the schedule and
 2803 | sets forth the reasons for deviating from the schedule in
 2804 | writing to the Attorney General. Such waiver must demonstrate
 2805 | necessity based upon criteria for deviation from the schedule
 2806 | which the Attorney General shall establish by rule. Any proposed
 2807 | fee schedule under this section shall be submitted to the
 2808 | Governor, the Speaker of the House of Representatives, the
 2809 | President of the Senate, and the Chief Justice of each ~~the~~
 2810 | Florida Supreme Court at least 60 days prior to publication of
 2811 | the notice to adopt the rule.

2812 | Section 122. Subsection (5) of section 288.9606, Florida
 2813 | Statutes, is amended to read:

2814 | 288.9606 Issue of revenue bonds.—

2815 | (5) In any suit, action, or proceeding involving the
 2816 | validity or enforceability of any bond issued under this act, or
 2817 | the security therefor, any such bond reciting in substance that
 2818 | it has been issued by the corporation in connection with any
 2819 | purpose of the act shall be conclusively deemed to have been
 2820 | issued for such purpose, and such purpose shall be conclusively
 2821 | deemed to have been carried out in accordance with the act. The
 2822 | complaint in any action to validate such bonds shall be filed
 2823 | only in the Circuit Court for Leon County. The notice required
 2824 | to be published by s. 75.06 shall be published only in Leon

PCB CVJS 11-07

ORIGINAL

2011

2825 County, and the complaint and order of the circuit court shall
 2826 be served only on the State Attorney of the Second Judicial
 2827 Circuit and on the state attorney of each circuit in each county
 2828 where the public agencies which were initially a party to the
 2829 interlocal agreement are located. Notice of such proceedings
 2830 shall be published in the manner and the time required by s.
 2831 75.06, in Leon County and in each county where the public
 2832 agencies which were initially a party to the interlocal
 2833 agreement are located. Obligations of the corporation pursuant
 2834 to a loan agreement as described in this subsection may be
 2835 validated as provided in chapter 75. The validation of at least
 2836 the first bonds approved by the corporation shall be appealed to
 2837 the Florida Supreme Court of Civil Appeals.

2838 Section 123. Section 318.30, Florida Statutes, is amended
 2839 to read:

2840 318.30 Legislative intent.—It is the intent of the
 2841 Legislature that civil traffic infraction hearing officers be
 2842 appointed and used in those counties where the need arises for
 2843 their services. Any Civil Traffic Infraction Hearing Officer
 2844 Program established in a county under ss. 318.30-318.38 shall be
 2845 subject to the supervision of the Supreme Court of Civil
 2846 Appeals.

2847 Section 124. Section 318.34, Florida Statutes, is amended
 2848 to read:

2849 318.34 Qualifications.—Applicants for the position of
 2850 hearing officer of the civil traffic court shall be members in
 2851 good standing of The Florida Bar and shall have completed a 40-
 2852 hour education and training program which has been approved by

PCB CVJS 11-07

ORIGINAL

2011

2853 the Florida Supreme Court of Civil Appeals. Thereafter, hearing
 2854 officers shall complete an approved 4-hour continuing education
 2855 program annually.

2856 Section 125. Subsection (1) of section 350.128, Florida
 2857 Statutes, is amended to read:

2858 350.128 Judicial review.—

2859 (1) As authorized by s. 3(a)(2) ~~3(b)(2)~~, Art. V of the
 2860 State Constitution, the Supreme Court of Civil Appeals shall,
 2861 upon petition, review any action of the commission relating to
 2862 rates or service of utilities providing electric, gas, or
 2863 telephone service. The District Court of Appeal, First District,
 2864 shall, upon petition, review any other action of the commission.

2865 Section 126. Section 364.381, Florida Statutes, is amended
 2866 to read:

2867 364.381 Judicial review.—As authorized by s. 3(a)(2)
 2868 ~~3(b)(2)~~, Art. V of the State Constitution, the Supreme Court of
 2869 Civil Appeals shall review, upon petition, any action of the
 2870 commission relating to rates or service of telecommunications
 2871 companies. For purposes of judicial review, a telecommunications
 2872 company is a telephone company within the meaning of s. 3(b)(2),
 2873 Art. V of the State Constitution.

2874 Section 127. Section 366.10, Florida Statutes, is amended
 2875 to read:

2876 366.10 Judicial review.—As authorized by s. 3(a)(2)
 2877 ~~3(b)(2)~~, Art. V of the State Constitution, the Supreme Court of
 2878 Civil Appeals shall review, upon petition, any action of the
 2879 commission relating to rates or service of utilities providing
 2880 electric or gas service.

2881 Section 128. Paragraph (d) of subsection (2) of section
 2882 366.8260, Florida Statutes, is amended to read:
 2883 366.8260 Storm-recovery financing.—
 2884 (2) FINANCING ORDERS.—
 2885 (d) Within 30 days after the commission issues an order
 2886 pursuant to paragraph (b) or a decision denying a request for
 2887 reconsideration or, if the request for reconsideration is
 2888 granted, within 30 days after the commission issues its decision
 2889 on reconsideration, an adversely affected party may petition for
 2890 judicial review in the Florida Supreme Court of Civil Appeals.
 2891 The petition for review shall be served upon the executive
 2892 director of the commission personally or by service at the
 2893 office of the commission. Review on appeal shall be based solely
 2894 on the record before the commission and briefs to the court and
 2895 shall be limited to determining whether the order issued
 2896 pursuant to paragraph (b), or the order on reconsideration,
 2897 conforms to the constitution and laws of this state and the
 2898 United States and is within the authority of the commission
 2899 under this section. Inasmuch as delay in the determination of
 2900 the appeal of a financing order will delay the issuance of
 2901 storm-recovery bonds, thereby diminishing savings to customers
 2902 which might be achieved if such bonds were issued as
 2903 contemplated by a financing order, the Supreme Court of Civil
 2904 Appeals shall proceed to hear and determine the action as
 2905 expeditiously as practicable and give the action precedence over
 2906 other matters not accorded similar precedence by law.
 2907 Section 129. Section 368.112, Florida Statutes, is amended
 2908 to read:

PCB CVJS 11-07

ORIGINAL

2011

2909 368.112 Judicial review.—As authorized by s. 3(a)(2)
 2910 ~~3(b)(2)~~, Art. V of the State Constitution, the Supreme Court of
 2911 Civil Appeals shall review, upon petition, any action of the
 2912 commission relating to rates or service of a natural gas
 2913 transmission company. For purposes of judicial review, a natural
 2914 gas transmission company is a utility providing gas service
 2915 within the meaning of s. 3(b)(2), Art. V of the State
 2916 Constitution.

2917 Section 130. Subsection (2) of section 379.332, Florida
 2918 Statutes, is amended to read:

2919 379.332 Prosecutions; state attorney to represent state.—

2920 (2) The state attorney shall represent the state in any
 2921 forfeiture proceeding under this chapter. The Department of
 2922 Legal Affairs shall represent the state in all appeals from
 2923 judgments of forfeiture to the appropriate Supreme Court. The
 2924 state may appeal any judgment denying forfeiture in whole or in
 2925 part that may be otherwise adverse to the state.

2926 Section 131. Paragraph (d) of subsection (3) of section
 2927 383.0115, Florida Statutes, is amended to read:

2928 383.0115 The Commission on Marriage and Family Support
 2929 Initiatives.—

2930 (3) SCOPE OF ACTIVITY.—The commission shall:

2931 (d) By December 31 of each year, beginning December 31,
 2932 2003, issue an annual report to the Governor, the President of
 2933 the Senate, the Speaker of the House of Representatives, and the
 2934 Chief Justice of the Supreme Court of Civil Appeals on progress
 2935 it is making on its responsibilities.

2936 Section 132. Paragraph (f) of subsection (4) and
 2937 subsections (5) and (6) of section 390.01114, Florida Statutes,
 2938 are amended to read:

2939 390.01114 Parental Notice of Abortion Act.—

2940 (4) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.—

2941 (f) An expedited appeal shall be available, as provided
 2942 ~~the Supreme Court provides~~ by court rule, to any minor to whom
 2943 the circuit court denies a waiver of notice. An order
 2944 authorizing a termination of pregnancy without notice is not
 2945 subject to appeal.

2946 (5) PROCEEDINGS.—The Supreme Court of Civil Appeals is
 2947 requested to adopt rules and forms for petitions to ensure that
 2948 proceedings under subsection (4) are handled expeditiously and
 2949 in a manner consistent with this act. The Supreme Court of Civil
 2950 Appeals is also requested to adopt rules to ensure that the
 2951 hearings protect the minor's confidentiality and the
 2952 confidentiality of the proceedings.

2953 (6) REPORT.—The Supreme Court of Civil Appeals, through
 2954 the Office of the State Courts Administrator, shall report by
 2955 February 1 of each year to the Governor, the President of the
 2956 Senate, and the Speaker of the House of Representatives on the
 2957 number of petitions filed under subsection (4) for the preceding
 2958 year, and the timing and manner of disposal of such petitions by
 2959 each circuit court.

2960 Section 133. Paragraph (e) of subsection (1) of section
 2961 397.333, Florida Statutes, is amended to read:

2962 397.333 Statewide Drug Policy Advisory Council.—

2963 (1)

PCB CVJS 11-07

ORIGINAL

2011

2964 (e) The Chief Justice of the Supreme Court of Civil
 2965 Appeals shall appoint a member of the judiciary to the advisory
 2966 council.

2967 Section 134. Subsection (1) of section 397.484, Florida
 2968 Statutes, is amended to read:

2969 397.484 Lawyer assistance programs; persons entitled to
 2970 immunity.—The civil immunity provided for in this act shall be
 2971 liberally construed to accomplish the purposes of this act. The
 2972 persons entitled to immunity under this act include:

2973 (1) Florida Lawyers Assistance, Inc., and other lawyer
 2974 assistance programs approved by the Florida Supreme Court of
 2975 Civil Appeals or The Florida Bar which provide assistance to
 2976 attorneys who may be impaired because of abuse of alcohol or
 2977 other drugs or because of any other physical or mental infirmity
 2978 causing impairment.

2979 Section 135. Subsection (11) of section 400.0233, Florida
 2980 Statutes, is amended to read:

2981 400.0233 Presuit notice; investigation; notification of
 2982 violation of resident's rights or alleged negligence; claims
 2983 evaluation procedure; informal discovery; review; settlement
 2984 offer; mediation.—

2985 (11) Within 30 days after the claimant's receipt of the
 2986 defendant's response to the claim, the parties or their
 2987 designated representatives shall meet in mediation to discuss
 2988 the issues of liability and damages in accordance with the
 2989 mediation rules of practice and procedures adopted by court rule
 2990 ~~the Supreme Court~~. Upon stipulation of the parties, this 30-day
 2991 period may be extended and the statute of limitations is tolled

2992 during the mediation and any such extension. At the conclusion
 2993 of mediation, the claimant shall have 60 days or the remainder
 2994 of the period of the statute of limitations, whichever is
 2995 greater, within which to file suit.

2996 Section 136. Paragraph (b) of subsection (4) of section
 2997 402.56, Florida Statutes, is amended to read:

2998 402.56 Children's cabinet; organization; responsibilities;
 2999 annual report.—

3000 (4) MEMBERS.—The cabinet shall consist of 15 members
 3001 including the Governor and the following persons:

3002 (b) The President of the Senate, the Speaker of the House
 3003 of Representatives, the Chief Justice of the Supreme Court of
 3004 Civil Appeals, the Attorney General, and the Chief Financial
 3005 Officer, or their appointed designees, shall serve as ex officio
 3006 members of the cabinet.

3007 Section 137. Subsection (8) of section 403.1837, Florida
 3008 Statutes, is amended to read:

3009 403.1837 Florida Water Pollution Control Financing
 3010 Corporation.—

3011 (8) The corporation shall validate any bonds issued under
 3012 this section, except refunding bonds, which may be validated at
 3013 the option of the corporation, by proceedings under chapter 75.
 3014 The validation complaint must be filed in the Circuit Court for
 3015 Leon County. The notice required under s. 75.06 must be
 3016 published in Leon County, and the complaint and order of the
 3017 circuit court shall be served only on the State Attorney for the
 3018 Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not
 3019 apply to a validation complaint filed as authorized in this

3020 subsection. The validation of the first bonds issued under this
 3021 section may be appealed to the Supreme Court of Civil Appeals,
 3022 and the appeal shall be handled on an expedited basis.

3023 Section 138. Paragraph (d) of subsection (4) of section
 3024 403.519, Florida Statutes, is amended to read:

3025 403.519 Exclusive forum for determination of need.—

3026 (4) In making its determination on a proposed electrical
 3027 power plant using nuclear materials or synthesis gas produced by
 3028 integrated gasification combined cycle power plant as fuel, the
 3029 commission shall hold a hearing within 90 days after the filing
 3030 of the petition to determine need and shall issue an order
 3031 granting or denying the petition within 135 days after the date
 3032 of the filing of the petition. The commission shall be the sole
 3033 forum for the determination of this matter and the issues
 3034 addressed in the petition, which accordingly shall not be
 3035 reviewed in any other forum, or in the review of proceedings in
 3036 such other forum. In making its determination to either grant or
 3037 deny the petition, the commission shall consider the need for
 3038 electric system reliability and integrity, including fuel
 3039 diversity, the need for base-load generating capacity, the need
 3040 for adequate electricity at a reasonable cost, and whether
 3041 renewable energy sources and technologies, as well as
 3042 conservation measures, are utilized to the extent reasonably
 3043 available.

3044 (d) The commission's determination of need for a nuclear
 3045 or integrated gasification combined cycle power plant shall
 3046 create a presumption of public need and necessity and shall
 3047 serve as the commission's report required by s. 403.507(4) (a).

3048 An order entered pursuant to this section constitutes final
 3049 agency action. Any petition for reconsideration of a final order
 3050 on a petition for need determination shall be filed within 5
 3051 days after the date of such order. The commission's final order,
 3052 including any order on reconsideration, shall be reviewable on
 3053 appeal in the Florida Supreme Court of Civil Appeals. Inasmuch
 3054 as delay in the determination of need will delay siting of a
 3055 nuclear or integrated gasification combined cycle power plant or
 3056 diminish the opportunity for savings to customers under the
 3057 federal Energy Policy Act of 2005, the Supreme Court of Civil
 3058 Appeals shall proceed to hear and determine the action as
 3059 expeditiously as practicable and give the action precedence over
 3060 matters not accorded similar precedence by law.

3061 Section 139. Subsection (4) of section 421.17, Florida
 3062 Statutes, is amended to read:

3063 421.17 Validation of debentures and proceedings.—

3064 (4) In the event no appeal is taken within the time
 3065 prescribed by said chapter, or if taken, and the decree
 3066 validating said debentures is affirmed by the Supreme Court of
 3067 Civil Appeals, the decree of the circuit court validating and
 3068 confirming the issuance of the debentures of the housing
 3069 authority shall be forever conclusive as to the validity of said
 3070 debentures against the housing authority and against all
 3071 taxpayers and citizens of the city for which said housing
 3072 authority was created and of the county or counties in the whole
 3073 or part of which the housing authority is empowered to function;
 3074 and the validity of said debentures shall never be called in
 3075 question in any court in this state. Debentures of a housing

PCB CVJS 11-07

ORIGINAL

2011

3076 authority, when issued under the provisions of said chapter,
 3077 shall have stamped or written thereon by the proper officers of
 3078 the housing authority issuing the same, the words: "Validated
 3079 and Confirmed by Decree of the Circuit Court," specifying the
 3080 date when such decree was rendered and the court in which it was
 3081 rendered, which shall be signed by the clerk of the circuit
 3082 court in which the decree was rendered, which entry shall be
 3083 original evidence of said decree in any court in this state.

3084 Section 140. Subsection (11) of section 429.293, Florida
 3085 Statutes, is amended to read:

3086 429.293 Presuit notice; investigation; notification of
 3087 violation of residents' rights or alleged negligence; claims
 3088 evaluation procedure; informal discovery; review; settlement
 3089 offer; mediation.—

3090 (11) Within 30 days after the claimant's receipt of
 3091 defendant's response to the claim, the parties or their
 3092 designated representatives shall meet in mediation to discuss
 3093 the issues of liability and damages in accordance with the
 3094 mediation rules of practice and procedures adopted by court rule
 3095 ~~the Supreme Court~~. Upon stipulation of the parties, this 30-day
 3096 period may be extended and the statute of limitations is tolled
 3097 during the mediation and any such extension. At the conclusion
 3098 of mediation, the claimant shall have 60 days or the remainder
 3099 of the period of the statute of limitations, whichever is
 3100 greater, within which to file suit.

3101 Section 141. Paragraph (a) of subsection (2) of section
 3102 429.87, Florida Statutes, is amended to read:

3103 429.87 Civil actions to enforce rights.—

3104 (2) To recover attorney's fees under this section, the
 3105 following conditions precedent must be met:

3106 (a) Within 120 days after the filing of a responsive
 3107 pleading or defensive motion to a complaint brought under this
 3108 section and before trial, the parties or their designated
 3109 representatives shall meet in mediation to discuss the issues of
 3110 liability and damages in accordance with this paragraph for the
 3111 purpose of an early resolution of the matter.

3112 1. Within 60 days after the filing of the responsive
 3113 pleading or defensive motion, the parties shall:

3114 a. Agree on a mediator. If the parties cannot agree on a
 3115 mediator, the defendant shall immediately notify the court,
 3116 which shall appoint a mediator within 10 days after such notice.

3117 b. Set a date for mediation.

3118 c. Prepare an order for the court that identifies the
 3119 mediator, the scheduled date of the mediation, and other terms
 3120 of the mediation. Absent any disagreement between the parties,
 3121 the court may issue the order for the mediation submitted by the
 3122 parties without a hearing.

3123 2. The mediation must be concluded within 120 days after
 3124 the filing of a responsive pleading or defensive motion. The
 3125 date may be extended only by agreement of all parties subject to
 3126 mediation under this subsection.

3127 3. The mediation shall be conducted in the following
 3128 manner:

3129 a. Each party shall ensure that all persons necessary for
 3130 complete settlement authority are present at the mediation.

3131 b. Each party shall mediate in good faith.

3132 4. All aspects of the mediation which are not specifically
 3133 established by this subsection must be conducted according to
 3134 the rules of practice and procedure adopted by court rule ~~the~~
 3135 ~~Supreme Court of this state.~~

3136 Section 142. Subsection (1) of section 440.106, Florida
 3137 Statutes, is amended to read:

3138 440.106 Civil remedies; administrative penalties.—

3139 (1) Whenever any circuit or special grievance committee
 3140 acting under the jurisdiction of the Supreme Court of Civil
 3141 Appeals finds probable cause to believe that an attorney has
 3142 violated s. 440.105, such committee may forward to the
 3143 appropriate state attorney a copy of the findings of probable
 3144 cause and a copy of the report being filed in the matter.

3145 Section 143. Paragraph (a) of subsection (5) of section
 3146 440.25, Florida Statutes, is amended to read:

3147 440.25 Procedures for mediation and hearings.—

3148 (5) (a) Procedures with respect to appeals from orders of
 3149 judges of compensation claims shall be governed by court rules
 3150 ~~adopted by the Supreme Court~~. Such an order shall become final
 3151 30 days after mailing of copies of such order to the parties,
 3152 unless appealed pursuant to such rules.

3153 Section 144. Section 440.271, Florida Statutes, is amended
 3154 to read:

3155 440.271 Appeal of order of judge of compensation claims.—
 3156 Review of any order of a judge of compensation claims entered
 3157 pursuant to this chapter shall be by appeal to the District
 3158 Court of Appeal, First District. Appeals shall be filed in
 3159 accordance with rules of procedure prescribed by court rule ~~the~~

PCB CVJS 11-07

ORIGINAL

2011

3160 ~~Supreme Court~~ for review of such orders. The department shall be
 3161 given notice of any proceedings pertaining to s. 440.25,
 3162 regarding indigency, or s. 440.49, regarding the Special
 3163 Disability Trust Fund, and shall have the right to intervene in
 3164 any proceedings.

3165 Section 145. Subsection (3) of section 440.29, Florida
 3166 Statutes, is amended to read:

3167 440.29 Procedure before the judge of compensation claims.—

3168 (3) The practice and procedure before the judges of
 3169 compensation claims shall be governed by rules adopted by the
 3170 Office of the Judges of Compensation Claims ~~Supreme Court~~,
 3171 except to the extent that such rules conflict with the
 3172 provisions of this chapter.

3173 Section 146. Subsection (2) of section 440.32, Florida
 3174 Statutes, is amended to read:

3175 440.32 Cost in proceedings brought without reasonable
 3176 ground.—

3177 (2) If the judge of compensation claims or any court
 3178 having jurisdiction of proceedings in respect to any claims or
 3179 defense under this section determines that the proceedings were
 3180 maintained or continued frivolously, the cost of the
 3181 proceedings, including reasonable attorney's fees, shall be
 3182 assessed against the offending attorney. If a penalty is
 3183 assessed under this subsection, a copy of the order assessing
 3184 the penalty must be forwarded to the appropriate grievance
 3185 committee acting under the jurisdiction of the Supreme Court of
 3186 Civil Appeals. Penalties, fees, and costs awarded under this
 3187 provision may not be recouped from the party.

PCB CVJS 11-07

ORIGINAL

2011

3188 Section 147. Section 440.442, Florida Statutes, is amended
 3189 to read:

3190 440.442 Code of Judicial Conduct.—The Deputy Chief Judge
 3191 and judges of compensation claims shall observe and abide by the
 3192 Code of Judicial Conduct ~~as adopted by the Florida Supreme~~
 3193 ~~Court~~. Any material violation of a provision of the Code of
 3194 Judicial Conduct shall constitute either malfeasance or
 3195 misfeasance in office and shall be grounds for suspension and
 3196 removal of the Deputy Chief Judge or judge of compensation
 3197 claims by the Governor.

3198 Section 148. Subsection (2) of section 454.021, Florida
 3199 Statutes, is amended to read:

3200 454.021 Attorneys; admission to practice law; Supreme
 3201 Court of Civil Appeals to govern and regulate.—

3202 (2) The Supreme Court of Civil Appeals of Florida, being
 3203 the highest court of said state, is the proper court to govern
 3204 and regulate admissions of attorneys and counselors to practice
 3205 law in said state.

3206 Section 149. Section 454.31, Florida Statutes, is amended
 3207 to read:

3208 454.31 Practice while disbarred or suspended prohibited.—
 3209 Any person who has been knowingly disbarred and who has not been
 3210 lawfully reinstated or is knowingly under suspension from the
 3211 practice of law ~~by any circuit court of the state or by the~~
 3212 ~~Supreme Court of the state~~ who practices law in this state or
 3213 holds himself or herself out as an attorney at law or qualified
 3214 to practice law in this state commits a felony of the third
 3215 degree, punishable as provided in s. 775.082, s. 775.083, or s.

3216 775.084.

3217 Section 150. Section 454.32, Florida Statutes, is amended
3218 to read:

3219 454.32 Aiding or assisting disbarred or suspended attorney
3220 prohibited.—A person who knowingly aids or assists any person in
3221 carrying on the unauthorized practice of law, knowing that such
3222 person has been disbarred and has not been lawfully reinstated
3223 or is under suspension from the practice of law ~~by any circuit~~
3224 ~~court of the state or by the Supreme Court of the state~~, commits
3225 a felony of the third degree, punishable as provided in s.
3226 775.082, s. 775.083, or s. 775.084, and shall also be subject to
3227 disbarment.

3228 Section 151. Paragraph (d) of subsection (7) of section
3229 489.533, Florida Statutes, is amended to read:

3230 489.533 Disciplinary proceedings.—
3231 (7)

3232 (d) Mediation shall be conducted according to rules of
3233 practice and procedure for circuit court as adopted by court
3234 rule ~~the Supreme Court~~. The mediator shall be a certified
3235 circuit court mediator.

3236 Section 152. Subsection (4) of section 627.7015, Florida
3237 Statutes, is amended to read:

3238 627.7015 Alternative procedure for resolution of disputed
3239 property insurance claims.—

3240 (4) The department shall adopt by rule a property
3241 insurance mediation program to be administered by the department
3242 or its designee. The department may also adopt special rules
3243 which are applicable in cases of an emergency within the state.

3244 The rules shall be modeled after practices and procedures set
 3245 forth in mediation rules of procedure adopted by court rule ~~the~~
 3246 ~~Supreme Court~~. The rules shall provide for:

3247 (a) Reasonable requirement for processing and scheduling
 3248 of requests for mediation.

3249 (b) Qualifications of mediators as provided in s. 627.745
 3250 and in the Florida Rules of Certified and Court Appointed
 3251 Mediators, and for such other individuals as are qualified by
 3252 education, training, or experience as the department determines
 3253 to be appropriate.

3254 (c) Provisions governing who may attend mediation
 3255 conferences.

3256 (d) Selection of mediators.

3257 (e) Criteria for the conduct of mediation conferences.

3258 (f) Right to legal counsel.

3259 Section 153. Subsection (2) of section 723.038, Florida
 3260 Statutes, is amended to read:

3261 723.038 Dispute settlement; mediation.—

3262 (2) The division upon petition shall appoint a qualified
 3263 mediator to conduct mediation proceedings unless the parties
 3264 timely notify the division in writing that they have selected a
 3265 mediator. A person appointed by the division shall be a
 3266 qualified mediator from a list of circuit court mediators in
 3267 each judicial circuit who has met training and educational
 3268 requirements established by the Supreme Court. If such mediators
 3269 are not available, the division may select a mediator from the
 3270 list maintained by the Florida Growth Management Conflict
 3271 Resolution Consortium. The division shall promulgate rules of

3272 procedure to govern such proceedings in accordance with the
 3273 rules of practice and procedure adopted by court rule ~~the~~
 3274 ~~Supreme Court~~. The division shall also establish, by rule, the
 3275 fee to be charged by a mediator which shall not exceed the fee
 3276 authorized by the circuit court.

3277 Section 154. Subsection (2) of section 744.703, Florida
 3278 Statutes, is amended to read:

3279 744.703 Office of public guardian; appointment,
 3280 notification.—

3281 (2) The executive director shall appoint or contract with
 3282 a public guardian from the list of candidates described in
 3283 subsection (1). A public guardian must meet the qualifications
 3284 for a guardian as prescribed in s. 744.309(1)(a). Upon
 3285 appointment of the public guardian, the executive director shall
 3286 notify the chief judge of the judicial circuit ~~and the Chief~~
 3287 ~~Justice of the Supreme Court of Florida~~, in writing, of the
 3288 appointment.

3289 Section 155. Section 752.015, Florida Statutes, is amended
 3290 to read:

3291 752.015 Mediation of visitation disputes.—It shall be the
 3292 public policy of this state that families resolve differences
 3293 over grandparent visitation within the family. It shall be the
 3294 further public policy of this state that when families are
 3295 unable to resolve differences relating to grandparent visitation
 3296 that the family participate in any formal or informal mediation
 3297 services that may be available. When families are unable to
 3298 resolve differences relating to grandparent visitation and a
 3299 petition is filed pursuant to s. 752.01, the court shall, if

3300 such services are available in the circuit, refer the case to
 3301 family mediation in accordance with court rules ~~promulgated by~~
 3302 ~~the Supreme Court.~~

3303 Section 156. Paragraphs (f) and (g) of subsection (2) of
 3304 section 753.03, Florida Statutes, are amended to read:

3305 753.03 Standards for supervised visitation and supervised
 3306 exchange programs.—

3307 (2) The clearinghouse shall use an advisory board to
 3308 assist in developing the standards. The advisory board must
 3309 include:

3310 (f) A circuit court judge who presides over domestic
 3311 violence proceedings, appointed by the Chief Justice of the
 3312 Supreme Court of Civil Appeals.

3313 (g) A circuit court judge who presides over dependency
 3314 proceedings, appointed by the Chief Justice of the Supreme Court
 3315 of Civil Appeals.

3316 Section 157. Subsection (4) of section 766.107, Florida
 3317 Statutes, is amended to read:

3318 766.107 Court-ordered arbitration.—

3319 (4) The decision of the arbitration panel shall not be
 3320 binding. If all parties accept the decision of the arbitration
 3321 panel, that decision shall be deemed a settlement of the case
 3322 and it shall be dismissed with prejudice. After the arbitration
 3323 award is rendered, any party may demand a trial de novo in the
 3324 circuit court by filing with the clerk of the circuit court and
 3325 all parties such notice as is required by court rules ~~adopted by~~
 3326 ~~the Supreme Court.~~

3327 Section 158. Subsection (4) of section 766.206, Florida
 3328 Statutes, is amended to read:

3329 766.206 Presuit investigation of medical negligence claims
 3330 and defenses by court.—

3331 (4) If the court finds that an attorney for the claimant
 3332 mailed notice of intent to initiate litigation without
 3333 reasonable investigation, or filed a medical negligence claim
 3334 without first mailing such notice of intent which complies with
 3335 the reasonable investigation requirements, or if the court finds
 3336 that an attorney for a defendant mailed a response rejecting the
 3337 claim without reasonable investigation, the court shall submit
 3338 its finding in the matter to The Florida Bar for disciplinary
 3339 review of the attorney. Any attorney so reported three or more
 3340 times within a 5-year period shall be reported to a circuit
 3341 grievance committee acting under the jurisdiction of the Supreme
 3342 Court of Civil Appeals. If such committee finds probable cause
 3343 to believe that an attorney has violated this section, such
 3344 committee shall forward to the Supreme Court of Civil Appeals a
 3345 copy of its finding.

3346 Section 159. Subsection (1) of section 766.311, Florida
 3347 Statutes, is amended to read:

3348 766.311 Conclusiveness of determination or award; appeal.—

3349 (1) A determination of the administrative law judge as to
 3350 qualification of the claim for purposes of compensability under
 3351 s. 766.309 or an award by the administrative law judge pursuant
 3352 to s. 766.31 shall be conclusive and binding as to all questions
 3353 of fact. Review of an order of an administrative law judge shall
 3354 be by appeal to the District Court of Appeal. Appeals shall be

3355 | filed in accordance with court rules of procedure prescribed by
 3356 | ~~the Supreme Court~~ for review of such orders.

3357 | Section 160. Subsection (6) of section 768.79, Florida
 3358 | Statutes, is amended to read:

3359 | 768.79 Offer of judgment and demand for judgment.—

3360 | (6) Upon motion made by the offeror within 30 days after
 3361 | the entry of judgment or after voluntary or involuntary
 3362 | dismissal, the court shall determine the following:

3363 | (a) If a defendant serves an offer which is not accepted
 3364 | by the plaintiff, and if the judgment obtained by the plaintiff
 3365 | is at least 25 percent less than the amount of the offer, the
 3366 | defendant shall be awarded reasonable costs, including
 3367 | investigative expenses, and attorney's fees, calculated in
 3368 | accordance with the guidelines promulgated by court rule ~~the~~
 3369 | ~~Supreme Court~~, incurred from the date the offer was served, and
 3370 | the court shall set off such costs in attorney's fees against
 3371 | the award. When such costs and attorney's fees total more than
 3372 | the amount of the judgment, the court shall enter judgment for
 3373 | the defendant against the plaintiff for the amount of the costs
 3374 | and fees, less the amount of the award to the plaintiff.

3375 | (b) If a plaintiff serves an offer which is not accepted
 3376 | by the defendant, and if the judgment obtained by the plaintiff
 3377 | is at least 25 percent more than the amount of the offer, the
 3378 | plaintiff shall be awarded reasonable costs, including
 3379 | investigative expenses, and attorney's fees, calculated in
 3380 | accordance with the guidelines promulgated by court rule ~~the~~
 3381 | ~~Supreme Court~~, incurred from the date the offer was served.

3382 |

PCB CVJS 11-07

ORIGINAL

2011

3383 For purposes of the determination required by paragraph (a), the
 3384 term "judgment obtained" means the amount of the net judgment
 3385 entered, plus any postoffer collateral source payments received
 3386 or due as of the date of the judgment, plus any postoffer
 3387 settlement amounts by which the verdict was reduced. For
 3388 purposes of the determination required by paragraph (b), the
 3389 term "judgment obtained" means the amount of the net judgment
 3390 entered, plus any postoffer settlement amounts by which the
 3391 verdict was reduced.

3392 Section 161. Section 849.42, Florida Statutes, is amended
 3393 to read:

3394 849.42 State attorney to represent state.—Upon the filing
 3395 of the sheriff's return with the clerk of the circuit court the
 3396 said clerk shall furnish the state attorney with a copy thereof
 3397 and the said state attorney shall represent the state in the
 3398 forfeiture proceedings. The Department of Legal Affairs shall
 3399 represent the state in all appeals from judgments of forfeiture
 3400 to the appropriate district court of appeal or direct to the
 3401 Supreme Court of Criminal Appeals when authorized by s. 3, Art.
 3402 V of the State Constitution. The state may appeal any judgment
 3403 denying forfeiture in whole or in part or that may be otherwise
 3404 adverse to the state.

3405 Section 162. Subsection (1) of section 877.02, Florida
 3406 Statutes, is amended to read:

3407 877.02 Solicitation of legal services or retainers
 3408 therefor; penalty.—

3409 (1) It shall be unlawful for any person or her or his
 3410 agent, employee or any person acting on her or his behalf, to

PCB CVJS 11-07

ORIGINAL

2011

3411 solicit or procure through solicitation either directly or
 3412 indirectly legal business, or to solicit or procure through
 3413 solicitation a retainer, written or oral, or any agreement
 3414 authorizing an attorney to perform or render legal service, or
 3415 to make it a business to solicit or procure such business,
 3416 retainers or agreements; provided, however, that nothing herein
 3417 shall prohibit or be applicable to banks, trust companies,
 3418 lawyer reference services, legal aid associations, lay
 3419 collection agencies, railroad companies, insurance companies and
 3420 agencies, and real estate companies and agencies, in the conduct
 3421 of their lawful businesses, and in connection therewith and
 3422 incidental thereto forwarding legal matters to attorneys at law
 3423 when such forwarding is authorized by the customers or clients
 3424 of said businesses and is done pursuant to the rules regulating
 3425 the Florida Bar ~~canons of legal ethics as pronounced by the~~
 3426 ~~Supreme Court of Florida.~~

3427 Section 163. Section 905.33, Florida Statutes, is amended
 3428 to read:

3429 905.33 Petition to Supreme Court of Criminal Appeals by
 3430 Governor; order.—

3431 (1) Whenever the Governor, for good and sufficient reason,
 3432 deems it to be in the public interest to impanel a statewide
 3433 grand jury, she or he may petition in writing to the Supreme
 3434 Court of Criminal Appeals for an order impaneling a statewide
 3435 grand jury. The petition shall state the general crimes or
 3436 wrongs to be inquired into and shall state that said crimes or
 3437 wrongs are of a multicircuit nature. The Supreme Court of
 3438 Criminal Appeals may order the impaneling of a statewide grand

3439 jury, in accordance with the petition, for a term of 12 calendar
 3440 months. Upon petition by a majority of the statewide grand jury
 3441 or by the legal adviser to the statewide grand jury, the Supreme
 3442 Court of Criminal Appeals, by order, may extend the term of the
 3443 statewide grand jury for a period of up to 6 months.

3444 (2) The Chief Justice of the Supreme Court of Criminal
 3445 Appeals shall designate a judge of a circuit court to preside
 3446 over the statewide grand jury; such judge shall be referred to
 3447 herein as the presiding judge.

3448 Section 164. Subsection (2) of section 905.37, Florida
 3449 Statutes, is amended to read:

3450 905.37 List of prospective jurors; impanelment;
 3451 composition of jury; compensation.—

3452 (2) The State Courts Administrator, upon receipt of the
 3453 order of the Supreme Court of Criminal Appeals granting a
 3454 petition to impanel a statewide grand jury, shall certify and
 3455 submit to the presiding judge the lists submitted by the chief
 3456 judge of each judicial circuit. The Supreme Court of Criminal
 3457 Appeals shall provide in its order impaneling the statewide
 3458 grand jury whether the prospective jurors are to be drawn from
 3459 the jury lists, as selected, certified, and submitted pursuant
 3460 to this section, from a designated circuit or circuits or from a
 3461 statewide list containing the names of all persons who are named
 3462 in the certified jury lists submitted by the chief judge of each
 3463 judicial circuit. If the Supreme Court of Criminal Appeals
 3464 determines, based upon the facts set forth in the Governor's
 3465 petition, that the principal scope of the investigation to be
 3466 conducted by the statewide grand jury is limited to a particular

PCB CVJS 11-07

ORIGINAL

2011

3467 region or section of the state, or if, in the interest of
 3468 convenience to the prospective grand jury witnesses, law
 3469 enforcement officers, or others, the investigation could more
 3470 appropriately operate within a particular region or section of
 3471 the state, then, in either such event, the Supreme Court of
 3472 Criminal Appeals may designate the judicial circuits within that
 3473 region of the state which shall be the base operating area for
 3474 the statewide grand jury, from which designated circuits the
 3475 prospective jurors of the statewide grand jury shall be
 3476 selected. The presiding judge shall, by lot and at random,
 3477 select and impanel the statewide grand jury from the jury lists
 3478 of the designated circuits certified and submitted through State
 3479 Courts Administrator, or of the composite statewide list, in
 3480 accordance with the order of the Supreme Court of Criminal
 3481 Appeals. In selecting and impaneling the statewide grand jury in
 3482 the manner prescribed herein, the presiding judge shall select
 3483 no fewer than one statewide grand juror from each congressional
 3484 district in the state. Each such prospective juror may be
 3485 excused by the presiding judge upon a showing that service on
 3486 the statewide grand jury will result in an unreasonable personal
 3487 or financial hardship by virtue of the location or projected
 3488 length of the grand jury investigation.

3489 Section 165. Subsection (2) of section 907.041, Florida
 3490 Statutes, is amended to read:

3491 907.041 Pretrial detention and release.—

3492 (2) RULES OF PROCEDURE.—Procedures for pretrial release
 3493 determinations shall be governed by court rules ~~adopted by the~~
 3494 ~~Supreme Court~~.

3495 Section 166. Subsection (3) of section 918.19, Florida
 3496 Statutes, is amended to read:

3497 918.19 Closing argument.—As provided in the common law, in
 3498 criminal prosecutions after the closing of evidence:

3499 (3) The prosecuting attorney may reply in rebuttal.

3500

3501 ~~The method set forth in this section shall control unless the~~
 3502 ~~Supreme Court determines it is procedural and issues a~~
 3503 ~~substitute rule of criminal procedure.~~

3504 Section 167. Subsection (4) of section 921.141, Florida
 3505 Statutes, is amended to read:

3506 921.141 Sentence of death or life imprisonment for capital
 3507 felonies; further proceedings to determine sentence.—

3508 (4) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of
 3509 conviction and sentence of death shall be subject to automatic
 3510 review by the Supreme Court of Criminal Appeals ~~of Florida~~ and
 3511 disposition rendered within 2 years after the filing of a notice
 3512 of appeal. Such review by the Supreme Court of Criminal Appeals
 3513 shall have priority over all other cases and shall be heard in
 3514 accordance with court rules ~~promulgated by the Supreme Court.~~

3515 Section 168. Subsection (5) of section 921.142, Florida
 3516 Statutes, is amended to read:

3517 921.142 Sentence of death or life imprisonment for capital
 3518 drug trafficking felonies; further proceedings to determine
 3519 sentence.—

3520 (5) REVIEW OF JUDGMENT AND SENTENCE.—The judgment of
 3521 conviction and sentence of death shall be subject to automatic
 3522 review and disposition rendered by the Supreme Court of Criminal

3523 Appeals ~~of Florida~~ within 2 years after the filing of a notice
 3524 of appeal. Such review by the Supreme Court of Criminal Appeals
 3525 shall have priority over all other cases and shall be heard in
 3526 accordance with rules promulgated by the Supreme Court.

3527 Section 169. Subsections (2) and (3) of section 922.105,
 3528 Florida Statutes, are amended to read:

3529 922.105 Execution of death sentence; prohibition against
 3530 reduction of death sentence as a result of determination that a
 3531 method of execution is unconstitutional.—

3532 (2) A person convicted and sentenced to death for a
 3533 capital crime at any time shall have one opportunity to elect
 3534 that his or her death sentence be executed by electrocution. The
 3535 election for death by electrocution is waived unless it is
 3536 personally made by the person in writing and delivered to the
 3537 warden of the correctional facility within 30 days after the
 3538 issuance of mandate pursuant to a decision by the Florida
 3539 Supreme Court of Criminal Appeals affirming the sentence of
 3540 death or, if mandate issued before the effective date of this
 3541 act, the election must be made and delivered to the warden
 3542 within 30 days after the effective date of this act. If a
 3543 warrant of execution is pending on the effective date of this
 3544 act, or if a warrant is issued within 30 days after the
 3545 effective date of this act, the person sentenced to death who is
 3546 the subject of the warrant shall have waived election of
 3547 electrocution as the method of execution unless a written
 3548 election signed by the person is submitted to the warden of the
 3549 correctional facility no later than 48 hours after a new date
 3550 for execution of the death sentence is set by the Governor under

3551 s. 922.06.
 3552 (3) If electrocution or lethal injection is held to be
 3553 unconstitutional by the Florida Supreme Court of Criminal
 3554 Appeals under the State Constitution, or held to be
 3555 unconstitutional by the United States Supreme Court under the
 3556 United States Constitution, or if the United States Supreme
 3557 Court declines to review any judgment holding a method of
 3558 execution to be unconstitutional under the United States
 3559 Constitution made by the Florida Supreme Court of Criminal
 3560 Appeals or the United States Court of Appeals that has
 3561 jurisdiction over Florida, all persons sentenced to death for a
 3562 capital crime shall be executed by any constitutional method of
 3563 execution.

3564 Section 170. Section 922.14, Florida Statutes, is amended
 3565 to read:

3566 922.14 Sentence of death unexecuted for unjustifiable
 3567 reasons.—If a death sentence is not executed because of
 3568 unjustified failure of the Governor to issue a warrant, or for
 3569 any other unjustifiable reason, on application of the Department
 3570 of Legal Affairs, the Supreme Court of Criminal Appeals shall
 3571 issue a warrant directing the sentence to be executed during a
 3572 week designated in the warrant.

3573 Section 171. Section 922.15, Florida Statutes, is amended
 3574 to read:

3575 922.15 Return of warrant of execution issued by Supreme
 3576 Court of Criminal Appeals.—After the sentence has been executed
 3577 pursuant to a warrant issued by the Supreme Court of Criminal
 3578 Appeals, the warden of the state prison shall send the warrant

PCB CVJS 11-07

ORIGINAL

2011

3579 | and a signed statement of the execution to the Secretary of
 3580 | State. The warden shall file an attested copy of the warrant and
 3581 | statement with the clerk of the court that imposed the sentence.
 3582 | The warden shall send to the Governor an attested copy of the
 3583 | warrant and statement.

3584 | Section 172. Subsection (1) of section 924.055, Florida
 3585 | Statutes, is amended to read:

3586 | 924.055 Postconviction review in capital cases;
 3587 | legislative findings and intent.—

3588 | (1) It is the intent of the Legislature to reduce delays
 3589 | in capital cases and to ensure that all appeals and
 3590 | postconviction actions in capital cases are resolved within 5
 3591 | years after the date a sentence of death is imposed in the
 3592 | circuit court. All capital postconviction actions must be filed
 3593 | as early as possible after the imposition of a sentence of death
 3594 | which may be during a direct appeal of the conviction and
 3595 | sentence. A person sentenced to death or that person's capital
 3596 | postconviction counsel must file any postconviction legal action
 3597 | in compliance with the statutes of limitation established in s.
 3598 | 924.056 and elsewhere in this chapter. Except as expressly
 3599 | allowed by s. 924.056(5), a person sentenced to death or that
 3600 | person's capital postconviction counsel may not file more than
 3601 | one postconviction action in a sentencing court and one appeal
 3602 | therefrom to the Florida Supreme Court of Criminal Appeals,
 3603 | unless authorized by law.

3604 | Section 173. Paragraph (a) of subsection (3) and
 3605 | subsection (4) of section 924.056, Florida Statutes, is amended
 3606 | to read:

PCB CVJS 11-07

ORIGINAL

2011

3607 924.056 Commencement of capital postconviction actions for
 3608 which sentence of death is imposed on or after January 14, 2000;
 3609 limitations on actions.—

3610 (3) (a) With respect to all capital postconviction actions
 3611 commenced after the effective date of this act, a capital
 3612 postconviction action is not commenced until the defendant or
 3613 the defendant's postconviction counsel files a fully pled
 3614 postconviction action in the sentencing court or, as provided in
 3615 subsection (4), the Florida Supreme Court of Criminal Appeals.
 3616 For the purposes of this subsection, a fully pled capital
 3617 postconviction action is one which complies with s. 924.058(2)
 3618 or any superseding court rule ~~adopted by the Florida Supreme~~
 3619 ~~Court~~. Except as provided by subsection (4) or subsection (5),
 3620 all capital postconviction actions shall be barred unless they
 3621 are commenced within 180 days after the filing of the
 3622 appellant's initial brief in the Florida Supreme Court of
 3623 Criminal Appeals on direct appeal of the defendant's capital
 3624 conviction and sentence. The fully pled postconviction action
 3625 must raise all cognizable claims that the defendant's judgment
 3626 or sentence was entered in violation of the Constitution or laws
 3627 of the United States or the Constitution or the laws of the
 3628 state, including any claim of ineffective assistance of trial
 3629 counsel, allegations of innocence, or that the state withheld
 3630 evidence favorable to the defendant. No claim may be considered
 3631 in such action which could have or should have been raised
 3632 before trial, at trial, or if preserved on direct appeal. For
 3633 the purposes of this subsection, a capital postconviction action
 3634 is not fully pled unless it satisfies the requirements of s.

PCB CVJS 11-07

ORIGINAL

2011

3635 924.058(2) or any superseding rule of court.

3636 (4) All capital postconviction actions raising any claim
 3637 of ineffective assistance of direct appeal counsel are barred
 3638 unless they are commenced in conformity with this subsection.
 3639 The defendant or the defendant's capital postconviction counsel
 3640 shall file an action in the Florida Supreme Court of Criminal
 3641 Appeals raising any claim of ineffective assistance of direct
 3642 appeal counsel within 45 days after mandate issues affirming the
 3643 death sentence in the direct appeal.

3644 Section 174. Subsection (2) of section 924.057, Florida
 3645 Statutes, is amended to read:

3646 924.057 Limitation on postconviction cases in which the
 3647 death sentence was imposed before January 14, 2000.—This section
 3648 shall govern all capital postconviction actions in cases in
 3649 which the trial court imposed the sentence of death before the
 3650 effective date of this act.

3651 (2) Except as provided in s. 924.056(5), in every case in
 3652 which mandate has issued in the Florida Supreme Court of
 3653 Criminal Appeals concluding at least one capital postconviction
 3654 action in the state court system, a successive capital
 3655 postconviction action shall be barred on the effective date of
 3656 this act, unless the rules or law in effect immediately prior to
 3657 the effective date of this act permitted the successive
 3658 postconviction action, in which case the action shall be barred
 3659 on the date provided in subsection (4).

3660 Section 175. Subsection (1) of section 924.058, Florida
 3661 Statutes, is amended to read:

3662 924.058 Capital postconviction claims.—This section shall

3663 regulate the procedures in actions for capital postconviction
 3664 relief commencing after the effective date of this act unless
 3665 and until such procedures are revised by court rules ~~rule or~~
 3666 ~~rules adopted by the Florida Supreme Court~~ which specifically
 3667 reference this section.

3668 (1) The defendant or the defendant's capital
 3669 postconviction counsel shall not file more than one capital
 3670 postconviction action in the sentencing court, one appeal
 3671 therefrom in the Florida Supreme Court of Criminal Appeals, and
 3672 one original capital postconviction action alleging the
 3673 ineffectiveness of direct appeal counsel in the Florida Supreme
 3674 Court of Criminal Appeals, except as expressly allowed by s.
 3675 924.056(5).

3676 Section 176. Subsections (5), (6), and (7) of section
 3677 924.059, Florida Statutes, are amended to read:

3678 924.059 Time limitations and judicial review in capital
 3679 postconviction actions.—This section shall regulate the
 3680 procedures in actions for capital postconviction relief
 3681 commencing after the effective date of this act unless and until
 3682 such procedures are revised by court rules ~~rule or rules adopted~~
 3683 ~~by the Florida Supreme Court~~ which specifically reference this
 3684 section.

3685 (5) An appeal may be taken to the Supreme Court of
 3686 Criminal Appeals ~~Florida~~ within 15 days from the entry of a
 3687 final order on a capital postconviction action. No interlocutory
 3688 appeal shall be permitted. No motion for rehearing shall be
 3689 permitted. The clerk of the court shall promptly serve upon all
 3690 parties a copy of the final order.

3691 (6) If the sentencing court has denied the capital
 3692 postconviction action without an evidentiary hearing, the appeal
 3693 to the Florida Supreme Court of Criminal Appeals will be
 3694 expeditiously resolved in a summary fashion. On appeal, the case
 3695 shall be initially reviewed for a determination whether the
 3696 sentencing court correctly resolved the defendant's claims
 3697 without an evidentiary hearing. If the Florida Supreme Court of
 3698 Criminal Appeals determines an evidentiary hearing should have
 3699 been held, the decision to remand for an evidentiary hearing may
 3700 be made by an order without an opinion. Jurisdiction shall be
 3701 relinquished to the trial court for a specified period, which
 3702 must be scheduled within 30 days and must be concluded within 90
 3703 days, for the purpose of conducting an evidentiary hearing on
 3704 any issue identified by the Florida Supreme Court's order.
 3705 Thereafter, the record shall be supplemented with the hearing
 3706 transcript.

3707 (7) The Florida Supreme Court of Criminal Appeals shall
 3708 render its decision within 180 days after receipt of the record
 3709 on appeal. If a denial of an action for postconviction relief is
 3710 affirmed, the Governor may proceed to issue a warrant for
 3711 execution.

3712 Section 177. Subsection (3) of section 925.12, Florida
 3713 Statutes, is amended to read:

3714 925.12 DNA testing; defendants entering pleas.—

3715 (3) It is the intent of the Legislature that the Supreme
 3716 Court of Criminal Appeals adopt rules of procedure consistent
 3717 with this section for a court, prior to the acceptance of a
 3718 plea, to make an inquiry into the following matters:

3719 (a) Whether counsel for the defense has reviewed the
 3720 discovery disclosed by the state and whether such discovery
 3721 included a listing or description of physical items of evidence.

3722 (b) Whether the nature of the evidence against the
 3723 defendant disclosed through discovery has been reviewed with the
 3724 defendant.

3725 (c) Whether the defendant or counsel for the defendant is
 3726 aware of any physical evidence disclosed by the state for which
 3727 DNA testing may exonerate the defendant.

3728 (d) Whether the state is aware of any physical evidence
 3729 for which DNA testing may exonerate the defendant.

3730 Section 178. Subsection (8) of section 934.02, Florida
 3731 Statutes, is amended to read:

3732 934.02 Definitions.—As used in this chapter:

3733 (8) "Judge of competent jurisdiction" means justice of the
 3734 Supreme Court of Criminal Appeals, judge of a district court of
 3735 appeal, circuit judge, or judge of any court of record having
 3736 felony jurisdiction of the State of Florida, irrespective of the
 3737 geographic location or jurisdiction where the judge presides.

3738 Section 179. Paragraph (a) of subsection (1) of section
 3739 939.185, Florida Statutes, is amended to read:

3740 939.185 Assessment of additional court costs and
 3741 surcharges.—

3742 (1) (a) The board of county commissioners may adopt by
 3743 ordinance an additional court cost, not to exceed \$65, to be
 3744 imposed by the court when a person pleads guilty or nolo
 3745 contendere to, or is found guilty of, or adjudicated delinquent
 3746 for, any felony, misdemeanor, delinquent act, or criminal

PCB CVJS 11-07

ORIGINAL

2011

3747 traffic offense under the laws of this state. Such additional
 3748 assessment shall be accounted for separately by the county in
 3749 which the offense occurred and be used only in the county
 3750 imposing this cost, to be allocated as follows:

3751 1. Twenty-five percent of the amount collected shall be
 3752 allocated to fund innovations, as determined by the chief judge
 3753 of the circuit, to supplement state funding for the elements of
 3754 the state courts system identified in s. 29.004 and county
 3755 funding for local requirements under s. 29.008(2)(a)2.

3756 2. Twenty-five percent of the amount collected shall be
 3757 allocated to assist counties in providing legal aid programs
 3758 required under s. 29.008(3)(a).

3759 3. Twenty-five percent of the amount collected shall be
 3760 allocated to fund personnel and legal materials for the public
 3761 as part of a law library.

3762 4. Twenty-five percent of the amount collected shall be
 3763 used as determined by the board of county commissioners to
 3764 support teen court programs, except as provided in s. 938.19(7),
 3765 juvenile assessment centers, and other juvenile alternative
 3766 programs.

3767
 3768 Each county receiving funds under this section shall report the
 3769 amount of funds collected pursuant to this section and an
 3770 itemized list of expenditures for all authorized programs and
 3771 activities. The report shall be submitted in a format developed
 3772 by the Office of the State Court Administrator ~~Supreme Court~~
 3773 the Governor, the Chief Financial Officer, the President of the
 3774 Senate, and the Speaker of the House of Representatives on a

PCB CVJS 11-07

ORIGINAL

2011

3775 quarterly basis beginning with the quarter ending September 30,
 3776 2004. Quarterly reports shall be submitted no later than 30 days
 3777 after the end of the quarter. Any unspent funds at the close of
 3778 the county fiscal year allocated under subparagraphs 2., 3., and
 3779 4., shall be transferred for use pursuant to subparagraph 1.

3780 Section 180. Paragraph (a) of subsection (4) of section
 3781 944.096, Florida Statutes, is amended to read:

3782 944.096 Budget requests for residential facility
 3783 construction; estimates; appropriations; population in excess of
 3784 capacity.—

3785 (4) As used in this section, the term:

3786 (a) "Criminal Justice Estimating Conference" means the
 3787 designated professional staffs of the Governor's office, the
 3788 Legislature, and the Office of the State Court Administrator
 3789 ~~Supreme Court~~ who meet in regularly scheduled meetings chaired
 3790 by the state economist or the state economist's designee to
 3791 forecast inmate and caseload counts and other information needed
 3792 to support the state budgeting process.

3793 Section 181. Subsection (4) of section 984.15, Florida
 3794 Statutes, is amended to read:

3795 984.15 Petition for a child in need of services.—

3796 (4) The form of the petition and any additional contents
 3797 shall be determined by court rules of procedure ~~adopted by the~~
 3798 ~~Supreme Court~~.

3799 Section 182. Subsection (3) of section 984.151, Florida
 3800 Statutes, is amended to read:

3801 984.151 Truancy petition; prosecution; disposition.—

3802 (3) Original jurisdiction to hear a truancy petition shall

3803 be in the circuit court; however, the circuit court may use a
 3804 general or special master pursuant to ~~Supreme~~ court rules. Upon
 3805 the filing of the petition, the clerk shall issue a summons to
 3806 the parent, guardian, or legal custodian of the student,
 3807 directing that person and the student to appear for a hearing at
 3808 a time and place specified.

3809 Section 183. Subsection (1) of section 984.18, Florida
 3810 Statutes, is amended to read:

3811 984.18 Referral of child-in-need-of-services cases to
 3812 mediation.—

3813 (1) At any stage in a child-in-need-of-services
 3814 proceeding, the case staffing committee or any party may request
 3815 the court to refer the parties to mediation in accordance with
 3816 chapter 44 and court rules ~~and procedures developed by the~~
 3817 ~~Supreme Court.~~

3818 Section 184. Subsection (3) of section 985.16, Florida
 3819 Statutes, is amended to read:

3820 985.16 Community arbitration.—

3821 (3) COMMUNITY ARBITRATORS.—The chief judge of each
 3822 judicial circuit shall maintain a list of qualified persons who
 3823 have agreed to serve as community arbitrators for the purpose of
 3824 carrying out the provisions of this chapter. Community
 3825 arbitrators shall meet the qualification and training
 3826 requirements adopted in court rule ~~by the Supreme Court.~~
 3827 Whenever possible, qualified volunteers shall be used as
 3828 community arbitrators.

3829 (a) Each community arbitrator or member of a community
 3830 arbitration panel shall be selected by the chief judge of the

3831 circuit, the senior circuit court judge assigned to juvenile
 3832 cases in the circuit, and the state attorney. A community
 3833 arbitrator or, in the case of a panel, the chief arbitrator
 3834 shall have such powers as are necessary to conduct the
 3835 proceedings in a fair and expeditious manner.

3836 (b) A community arbitrator or member of a community
 3837 arbitration panel shall be trained or experienced in juvenile
 3838 causes and shall be:

3839 1. Either a graduate of an accredited law school or of an
 3840 accredited school with a degree in behavioral social work or
 3841 trained in conflict resolution techniques; and

3842 2. A person of the temperament necessary to deal properly
 3843 with cases involving children and with the family crises likely
 3844 to be presented to him or her.

3845 Section 185. Subsection (5) of section 985.318, Florida
 3846 Statutes, is amended to read:

3847 985.318 Petition.—

3848 (5) The form of the petition and its contents shall be
 3849 determined by court rules of procedure ~~adopted by the Supreme~~
 3850 ~~Court~~.

3851 Section 186. Paragraph (a) of subsection (2) of section
 3852 985.66, Florida Statutes, is amended to read:

3853 985.66 Juvenile justice training academies; Juvenile
 3854 Justice Standards and Training Commission; Juvenile Justice
 3855 Training Trust Fund.—

3856 (2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION.—

3857 (a) There is created under the Department of Juvenile
 3858 Justice the Juvenile Justice Standards and Training Commission,

3859 hereinafter referred to as the commission. The 17-member
 3860 commission shall consist of the Attorney General or designee,
 3861 the Commissioner of Education or designee, a member of the
 3862 juvenile court judiciary to be appointed by the Chief Justice of
 3863 the Supreme Court of Civil Appeals, and 14 members to be
 3864 appointed by the Secretary of Juvenile Justice as follows:

3865 1. Seven members shall be juvenile justice professionals:
 3866 a superintendent or a direct care staff member from an
 3867 institution; a director from a contracted community-based
 3868 program; a superintendent and a direct care staff member from a
 3869 regional detention center or facility; a juvenile probation
 3870 officer supervisor and a juvenile probation officer; and a
 3871 director of a day treatment or conditional release program. No
 3872 fewer than three of these members shall be contract providers.

3873 2. Two members shall be representatives of local law
 3874 enforcement agencies.

3875 3. One member shall be an educator from the state's
 3876 university and community college program of criminology,
 3877 criminal justice administration, social work, psychology,
 3878 sociology, or other field of study pertinent to the training of
 3879 juvenile justice program staff.

3880 4. One member shall be a member of the public.

3881 5. One member shall be a state attorney, or assistant
 3882 state attorney, who has juvenile court experience.

3883 6. One member shall be a public defender, or assistant
 3884 public defender, who has juvenile court experience.

3885 7. One member shall be a representative of the business
 3886 community.

PCB CVJS 11-07

ORIGINAL

2011

3887

3888 All appointed members shall be appointed to serve terms of 2
3889 years.

3890 Section 187. This act shall take effect on the effective
3891 date of House Joint Resolution _____, or a similar joint
3892 resolution having substantially the same specific intent and
3893 purpose, if that joint resolution is approved by the electors at
3894 the general election to be held in November 2012.