

## CHAPTER 2014-182

### Committee Substitute for Senate Bill No. 828

An act relating to the court system; repealing s. 25.151, F.S., relating to a prohibition on the practice of law by a retired justice of the Supreme Court; repealing ss. 25.191 and 25.231, F.S., relating to the appointment and duties of a Clerk of the Supreme Court; amending s. 25.241, F.S.; deleting a requirement regarding the salary of the Clerk of the Supreme Court, to conform; repealing s. 25.281, F.S., relating to compensation of the Marshal of the Supreme Court; repealing s. 25.351, F.S., relating to the acquisition of books by the Supreme Court; repealing s. 26.01, F.S., relating to the number of judicial circuits; amending s. 26.021, F.S.; specifying the number of judicial circuits; repealing certain residency requirements for circuit judges; repealing s. 26.51, F.S., relating to payment of the salaries of circuit judges; amending s. 26.55, F.S.; excluding retired judges practicing law from the Conference of Circuit Judges of Florida; removing a requirement that circuit court judges attend and participate in such conference; requiring that the conference operate according to the Rules of Judicial Administration; revising requirements for such conferences; repealing s. 27.55, F.S., relating to compensation and certain expenditures of public defenders; creating s. 29.23, F.S.; providing for certain judicial branch salaries; repealing ss. 35.12, 35.13, 35.19, and 35.21, F.S., relating to the chief judge, quorum, compensation of judges, and clerk, respectively, of the district courts of appeal; amending s. 35.22, F.S.; deleting a requirement for the appointment and salary of a clerk for each district court of appeal; repealing ss. 35.25 and 35.27, F.S., relating to duties of the clerk and compensation of the marshal, respectively, of the district courts of appeal; repealing s. 38.13, F.S., relating to replacement of disqualified judges of the district courts of appeal; amending s. 43.20, F.S.; revising the number of members of the Judicial Qualifications Commission to conform to requirements of the State Constitution; amending s. 56.29, F.S.; authorizing the court to order any property, debt, or other obligation due the judgment debtor to be applied toward the satisfaction of the judgment debt; authorizing the court to entertain specified claims concerning the judgment debtor's assets and enter any order or judgment, including a money judgment; authorizing the court to enter a money judgment against an impleaded defendant under certain circumstances; providing applicability of specified laws and procedures; providing for retroactivity; repealing s. 57.101, F.S., relating to the charging of costs against the losing party for certain copies of records in the Supreme Court; repealing s. 92.15, F.S., relating to an evidentiary rule regarding evidence of title to land passing from the United States; providing an effective date.

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

Section 1. Section 25.151, Florida Statutes, is repealed.

Section 2. Sections 25.191 and 25.231, Florida Statutes, are repealed.

Section 3. Subsection (1) of section 25.241, Florida Statutes, is amended to read:

25.241 Clerk of Supreme Court; compensation; assistants; filing fees, etc.

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

Section 4. Section 25.281, Florida Statutes, is repealed.

Section 5. Section 25.351, Florida Statutes, is repealed.

Section 6. Section 26.01, Florida Statutes, is repealed.

Section 7. Section 26.021, Florida Statutes, is amended to read:

26.021 Judicial circuits; judges.—The state is divided into 20 judicial circuits:

(1) The first circuit is composed of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

(2) The second circuit is composed of Franklin ~~Leon~~, Gadsden, Jefferson, Leon, Liberty, and Wakulla, ~~Liberty, and Franklin~~ Counties.

(3) The third circuit is composed of Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties.

(4) The fourth circuit is composed of Clay, Duval, and Nassau Counties.

(5) The fifth circuit is composed of Citrus, Hernando, Lake, Marion, and Sumter Counties. ~~Two of the circuit judges authorized for the fifth circuit shall reside in either Citrus, Hernando, or Sumter County, and neither of such two judges shall reside in the same county.~~

(6) The sixth circuit is composed of Pasco and Pinellas Counties.

(7) The seventh circuit is composed of Flagler, Putnam, St. Johns, and Volusia Counties. ~~One judge shall reside in Flagler County; two judges shall reside in Putnam County; two judges shall reside in St. Johns County; and three judges shall reside in Volusia County. There shall be no residency requirement for any other judges in the circuit.~~

(8) The eighth circuit is composed of Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties.

(9) The ninth circuit is composed of Orange and Osceola Counties.

(10) The tenth circuit is composed of Hardee, Highlands, and Polk Counties.

(11) The eleventh circuit is composed of Miami-Dade County.

(12) The twelfth circuit is composed of DeSoto, Manatee, and Sarasota, ~~and DeSoto~~ Counties.

(13) The thirteenth circuit is composed of Hillsborough County.

(14) The fourteenth circuit is composed of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties.

(15) The fifteenth circuit is composed of Palm Beach County.

(16) The sixteenth circuit is composed of Monroe County. ~~One judge in the circuit shall reside in the middle or upper Keys. There shall be no residency requirement for any other judge in the circuit.~~

(17) The seventeenth circuit is composed of Broward County.

(18) The eighteenth circuit is composed of Brevard and Seminole Counties.

(19) The nineteenth circuit is composed of Indian River, Martin, Okeechobee, and St. Lucie Counties.

(20) The twentieth circuit is composed of Charlotte, Collier, Glades, Hendry, and Lee Counties.

(21) Notwithstanding subsections (1)-(20), the territorial jurisdiction of a circuit court may be expanded as provided for in s. 910.03(3).

The judicial nominating commission of each circuit, in submitting nominations for any vacancy in a judgeship, and the Governor, in filling any vacancy for a judgeship, shall consider whether the existing judges within the circuit, together with potential nominees or appointees, reflect the geographic distribution of the population within the circuit, the geographic distribution of the caseload within the circuit, the racial and ethnic diversity of the population within the circuit, and the geographic distribution of the racial and ethnic minority population within the circuit.

Section 8. Section 26.51, Florida Statutes, is repealed.

Section 9. Section 26.55, Florida Statutes, is amended to read:

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

(1) There is created and established the Conference of Circuit Judges of Florida. The conference consists ~~shall consist~~ of the active and retired circuit judges of the several judicial circuits of the state, excluding retired judges practicing law.

(2) The conference shall annually elect a chair. ~~The chair, whose duty it shall be to call all meetings and to appoint committees to effectuate the purposes of the conference. It is declared to be an official function of each circuit judge to attend the meetings of the conference. It is also an official~~

function of each circuit judge to participate in the activity of each committee to the membership of which such judge is appointed.

~~(3)(a) It is declared to be the responsibility of The conference shall operate according to the Rules of Judicial Administration adopted by the Supreme Court. The responsibilities of the conference include to:~~

~~(a)1. Considering and making Consider and make recommendations concerning the betterment of the judicial system of the state and its various parts;~~

~~(b)2. Considering and making Consider and make recommendations concerning the improvement of rules and methods of procedure and practice in the several courts; and~~

~~(c)3. Reporting Report to the Supreme Court its such findings and recommendations under this subsection; and as the conference may have with reference thereto.~~

~~(d)(b) Providing Not less than 60 days before the convening of the regular session of the Legislature with, the chair of the conference shall report to the President of the Senate and the Speaker of the House such recommendations as the conference may have concerning defects in the laws of this state and such amendments or additional legislation as the conference may deem necessary regarding the administration of justice.~~

Section 10. Section 27.55, Florida Statutes, is repealed.

Section 11. Section 29.23, Florida Statutes, is created to read:

29.23 Salaries of certain positions in the judicial branch.—

(1) The salaries of justices, judges of the district courts of appeal, circuit judges, and county judges shall be fixed annually in the General Appropriations Act.

(2) The clerk and the marshal of the Supreme Court, or a clerk or marshal of a district court of appeal, shall be paid an annual salary to be determined in accordance with s. 25.382(3).

Section 12. Sections 35.12, 35.13, 35.19, and 35.21, Florida Statutes, are repealed.

Section 13. Section 35.22, Florida Statutes, is amended to read:

35.22 Clerk of district court; ~~appointment~~; compensation; assistants; filing fees; teleconferencing.—

~~(1) Each district court of appeal shall appoint a clerk who shall be paid an annual salary to be determined in accordance with s. 25.382.~~

~~(1)(2)~~ The clerk may ~~is authorized to~~ employ such deputies and clerical assistants as may be necessary. Their number and compensation shall be approved by the court, and paid from the annual appropriation for the district courts of appeal.

~~(2)(3)(a)~~ The clerk, upon the filing of a certified copy of a notice of appeal or petition, shall charge and collect a filing fee of \$300 for each case docketed, and service charges as provided in s. 28.24 for copying, certifying or furnishing opinions, records, papers or other instruments and for other services. The state of Florida or its agencies, when appearing as appellant or petitioner, is exempt from the filing fee required in this subsection. ~~From each attorney appearance pro hac vice,~~ The clerk shall collect from each attorney appearance pro hac vice a fee of \$100 for deposit as provided in this section.

(b) Upon the filing of a notice of cross-appeal, or a notice of joinder or motion to intervene as an appellant, cross-appellant, or petitioner, the clerk shall charge and collect a filing fee of \$295. The clerk shall remit the fee to the Department of Revenue for deposit into the General Revenue Fund. The state and its agencies are exempt from the filing fee required by this paragraph.

~~(3)(4)~~ The opinions of the district court of appeal may ~~shall~~ not be recorded, but the original as filed shall be preserved with the record in each case.

~~(4)(5)~~ The clerk may ~~is authorized~~ immediately, after a case is disposed of, ~~to~~ supply the judge who tried the case and from whose order, judgment, or decree, appeal or other review is taken, a copy of all opinions, orders, or judgments filed in such case. Copies of opinions, orders, and decrees shall be furnished in all cases to each attorney of record and for publication in Florida reports to the authorized publisher without charge, and copies furnished to other law book publishers at one-half the regular statutory fee.

~~(5)(6)~~ The clerk of each district court of appeal shall ~~is required to~~ deposit all fees collected in the State Treasury to the credit of the General Revenue Fund, except that \$50 of each \$300 filing fee collected shall be deposited into the State Courts Revenue Trust Fund to fund court operations as authorized in the General Appropriations Act. The clerk shall retain an accounting of each such remittance.

~~(6)(7)~~ The clerk of the district court of appeal may ~~is authorized to~~ collect a fee from the parties to an appeal reflecting the actual cost of conducting the proceeding through teleconferencing ~~if where~~ the parties have requested that an oral argument or mediation be conducted through teleconferencing. The fee collected for this purpose shall be used to offset the expenses associated with scheduling the teleconference and shall be deposited in the State Courts Revenue Trust Fund.

Section 14. Sections 35.25 and 35.27, Florida Statutes, are repealed.

Section 15. Section 38.13, Florida Statutes, is repealed.

Section 16. Subsection (2) of section 43.20, Florida Statutes, is amended to read:

43.20 Judicial Qualifications Commission.—

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

Section 17. Subsections (1) and (5), paragraph (b) of subsection (6), and subsection (9) of section 56.29, Florida Statutes, are amended to read:

56.29 Proceedings supplementary.—

(1) When any person or entity holds an unsatisfied judgment or judgment lien obtained under chapter 55, the judgment holder or judgment lienholder may file a motion and an affidavit so stating, identifying, if applicable, the issuing court, the case number, and the unsatisfied amount of the judgment or judgment lien, including accrued costs and interest, and stating that the execution is valid and outstanding, and thereupon the judgment holder or judgment lienholder is entitled to these proceedings supplementary to execution.

(5) The court judge may order any property of the judgment debtor, not exempt from execution, in the hands of any person, or any property, debt, or other obligation due to the judgment debtor, to be applied toward the satisfaction of the judgment debt. The court may entertain claims concerning the judgment debtor's assets brought under chapter 726 and enter any order or judgment, including a money judgment against any initial or subsequent transferee, in connection therewith, irrespective of whether the transferee has retained the property. Claims under chapter 726 are subject to the provisions of chapter 726 and applicable rules of civil procedure.

(6)

(b) When any gift, transfer, assignment or other conveyance of personal property has been made or contrived by the judgment debtor defendant to delay, hinder or defraud creditors, the court shall order the gift, transfer, assignment or other conveyance to be void and direct the sheriff to take the property to satisfy the execution. This does not authorize seizure of property exempted from levy and sale under execution or property which has passed to a bona fide purchaser for value and without notice. Any person aggrieved by the levy may proceed under ss. 56.16-56.20.

(9) The court may enter any orders, judgments, or writs required to carry out the purpose of this section, including those orders necessary or proper to subject property or property rights of any judgment debtor defendant to execution, and including entry of money judgments against any impleaded defendant irrespective of whether such defendant has retained the property,

subject to ss. 56.18 and 56.19 and applicable principles of equity, and in accordance with chapters 76 and 77 and applicable rules of civil procedure.

Section 18. The amendments made by this act to s. 56.29, Florida Statutes, are remedial in nature, are intended to clarify existing law, and shall be applied retroactively to the full extent permitted by law.

Section 19. Section 57.101, Florida Statutes, is repealed.

Section 20. Section 92.15, Florida Statutes, is repealed.

Section 21. This act shall take effect July 1, 2014.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.