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# **Judiciary Committee**

**Thursday, April 7, 2011**

**8:00 AM**

**404 HOB**

**Action Packet**

**Dean Cannon  
Speaker**

**William Snyder  
Chair**

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

### Summary:

#### Judiciary Committee

Thursday April 07, 2011 08:00 am

CS/CS/HB 45	Favorable With Committee Substitute	Yeas: 12	Nays: 6
CS/HB 75	Favorable With Committee Substitute	Yeas: 17	Nays: 0
CS/HB 409	Favorable	Yeas: 15	Nays: 0
CS/HB 449	Favorable	Yeas: 16	Nays: 0
HM 557	Favorable	Yeas: 16	Nays: 1
CS/HB 997	Favorable	Yeas: 18	Nays: 0
HJR 1097	Not Considered		
HJR 7025	Not Considered		
HB 7027	Not Considered		
HJR 7037	Not Considered		
HJR 7039	Not Considered		
HB 7101	Favorable	Yeas: 11	Nays: 6
HJR 7111	Favorable With Committee Substitute	Yeas: 12	Nays: 6
	Amendment 1 Adopted	Yeas: 13	Nays: 5
	Amendment 1b Failed to Adopt	Yeas: 6	Nays: 9
	Amendment 2 to Amendment 1		
	Amendment 1c Failed to Adopt	Yeas: 6	Nays: 9
	Amendment 3 to Amendment 1		
HB 7119	Favorable	Yeas: 18	Nays: 0
HB 7121	Favorable	Yeas: 18	Nays: 0
HB 7131	Favorable	Yeas: 18	Nays: 0
HB 7133	Favorable	Yeas: 18	Nays: 0
HB 7137	Not Considered		

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

**Location:** 404 HOB

HB 7141 Not Considered

HB 7143 Favorable

Yeas: 17 Nays: 1

HB 7199 Favorable With Committee Substitute

Yeas: 11 Nays: 6

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Dennis Baxley	X		
Daphne Campbell	X		
Eric Eisnaugle	X		
Matt Gaetz	X		
Tom Goodson	X		
Bill Hager	X		
Shawn Harrison	X		
John Julien	X		
Charles McBurney	X		
Larry Metz	X		
Kathleen Passidomo	X		
Ray Pilon	X		
Ari Porth	X		
Elaine Schwartz	X		
Darren Soto	X		
Richard Steinberg	X		
W. Gregory Steube	X		
<b>Totals:</b>	<b>18</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

CS/CS/HB 45 : Regulation of Firearms and Ammunition

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 6</b>			

### Appearances:

CS/CS/HB 45

Pitts, Brian - Opponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/CS/HB 45

Conn, Kraig (Lobbyist) - Opponent

Florida League of Cities

PO Box 1757

Tallahassee FL 32302-1757

Phone: (850)222-9684

CS/CS/HB 45

Hammer, Marion (Lobbyist) - Proponent

NRA and Unified Sportsmen of Florida

P.O Box 1387

Tallahassee FL 32302

Phone: 850-222-9518

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 45 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

*favourable*  
*4-7-11*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative(s) Gaetz offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 790.33, Florida Statutes, is amended to  
7 read:

8 790.33 Field of regulation of firearms and ammunition  
9 preempted.—

10 (1) PREEMPTION.—Except as expressly provided by the State  
11 Constitution or general law, the Legislature hereby declares  
12 that it is occupying the whole field of regulation of firearms  
13 and ammunition, including the purchase, sale, transfer,  
14 taxation, manufacture, ownership, possession, storage, and  
15 transportation thereof, to the exclusion of all existing and  
16 future county, city, town, or municipal ordinances or any  
17 administrative regulations or rules adopted by local or state  
18 government relating thereto. Any such existing ordinances,  
19 rules, or regulations are hereby declared null and void. ~~This~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 45 (2011)

Amendment No. 1

20 ~~subsection shall not affect zoning ordinances which encompass~~  
21 ~~firearms businesses along with other businesses. Zoning~~  
22 ~~ordinances which are designed for the purpose of restricting or~~  
23 ~~prohibiting the sale, purchase, transfer, or manufacture of~~  
24 ~~firearms or ammunition as a method of regulating firearms or~~  
25 ~~ammunition are in conflict with this subsection and are~~  
26 ~~prohibited.~~

27 ~~(2) LIMITED EXCEPTION; COUNTY WAITING-PERIOD ORDINANCES.—~~

28 ~~(a) Any county may have the option to adopt a waiting-~~  
29 ~~period ordinance requiring a waiting period of up to, but not to~~  
30 ~~exceed, 3 working days between the purchase and delivery of a~~  
31 ~~handgun. For purposes of this subsection, "purchase" means~~  
32 ~~payment of deposit, payment in full, or notification of intent~~  
33 ~~to purchase. Adoption of a waiting-period ordinance, by any~~  
34 ~~county, shall require a majority vote of the county commission~~  
35 ~~on votes on waiting-period ordinances. This exception is limited~~  
36 ~~solely to individual counties and is limited to the provisions~~  
37 ~~and restrictions contained in this subsection.~~

38 ~~(b) Ordinances authorized by this subsection shall apply~~  
39 ~~to all sales of handguns to individuals by a retail~~  
40 ~~establishment except those sales to individuals exempted in this~~  
41 ~~subsection. For purposes of this subsection, "retail~~  
42 ~~establishment" means a gun shop, sporting goods store, pawn~~  
43 ~~shop, hardware store, department store, discount store, bait or~~  
44 ~~tackle shop, or any other store or shop that offers handguns for~~  
45 ~~walk-in retail sale but does not include gun collectors shows or~~  
46 ~~exhibits, or gun shows.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 45 (2011)

Amendment No. 1

47 ~~(c) Ordinances authorized by this subsection shall not~~  
48 ~~require any reporting or notification to any source outside the~~  
49 ~~retail establishment, but records of handgun sales must be~~  
50 ~~available for inspection, during normal business hours, by any~~  
51 ~~law enforcement agency as defined in s. 934.02.~~

52 ~~(d) The following shall be exempt from any waiting period:~~

53 ~~1. Individuals who are licensed to carry concealed~~  
54 ~~firearms under the provisions of s. 790.06 or who are licensed~~  
55 ~~to carry concealed firearms under any other provision of state~~  
56 ~~law and who show a valid license;~~

57 ~~2. Individuals who already lawfully own another firearm~~  
58 ~~and who show a sales receipt for another firearm; who are known~~  
59 ~~to own another firearm through a prior purchase from the retail~~  
60 ~~establishment; or who have another firearm for trade-in;~~

61 ~~3. A law enforcement or correctional officer as defined in~~  
62 ~~s. 943.10;~~

63 ~~4. A law enforcement agency as defined in s. 934.02;~~

64 ~~5. Sales or transactions between dealers or between~~  
65 ~~distributors or between dealers and distributors who have~~  
66 ~~current federal firearms licenses; or~~

67 ~~6. Any individual who has been threatened or whose family~~  
68 ~~has been threatened with death or bodily injury, provided the~~  
69 ~~individual may lawfully possess a firearm and provided such~~  
70 ~~threat has been duly reported to local law enforcement.~~

71 ~~(2)(3) POLICY AND INTENT.—~~

72 (a) It is the intent of this section to provide uniform  
73 firearms laws in the state; to declare all ordinances and  
74 regulations null and void which have been enacted by any



Amendment No. 1

75 jurisdictions other than state and federal, which regulate  
76 firearms, ammunition, or components thereof; to prohibit the  
77 enactment of any future ordinances or regulations relating to  
78 firearms, ammunition, or components thereof unless specifically  
79 authorized by this section or general law; and to require local  
80 jurisdictions to enforce state firearms laws.

81 (b) It is further the intent of this section to deter and  
82 prevent the violation of this section and the violation of  
83 rights protected under the constitution and laws of this state  
84 related to firearms, ammunition, or components thereof, by the  
85 abuse of official authority that occurs when enactments are  
86 knowingly passed in violation of state law or under color of  
87 local or state authority.

88 (3) PROHIBITIONS; PENALTIES.—

89 (a) Any person, county, agency, municipality, district, or  
90 other entity who knowingly and willfully violates the  
91 Legislature's occupation of the whole field of regulation of  
92 firearms and ammunition, as declared in subsection (1), by  
93 enacting or causing to be enforced any local ordinance or  
94 administrative rule or regulation commits a noncriminal  
95 violation as defined in s. 775.08, punishable as provided in ss.  
96 775.082 and 775.083.

97 (b) The state attorney in the appropriate jurisdiction  
98 shall investigate complaints of noncriminal violations of this  
99 section and, where the state attorney determines that probable  
100 cause of a violation exists, may prosecute violators in the  
101 circuit court where the complaint arose.

Amendment No. 1

102        (c) If the court determines that the violation was knowing  
103 and willful, the court shall assess a fine of not less than  
104 \$5,000 and not more than \$100,000 against the elected or  
105 appointed local government official or officials or  
106 administrative agency head under whose jurisdiction the  
107 violation occurred. The elected or appointed local government  
108 official or officials or administrative agency head shall be  
109 personally liable for the payment of all fines, costs, and fees  
110 assessed by the court for the noncriminal violation.

111        (d) Except as required by s. 16, Art. I of the State  
112 Constitution or the Sixth Amendment to the United States  
113 Constitution, public funds may not be used to defend the  
114 unlawful conduct of any person charged with a knowing and  
115 willful violation of this section.

116        (e) A knowing and willful violation of any provision of  
117 this section by a person acting in an official capacity for any  
118 entity enacting or causing to be enforced a local ordinance or  
119 administrative rule or regulation prohibited under paragraph (a)  
120 or otherwise under color of law shall be cause for immediate  
121 termination of employment or contract or removal from office by  
122 the Governor.

123        (f) A person or an organization whose membership is  
124 adversely affected by any ordinance, regulation, measure,  
125 directive, rule, enactment, order, or policy promulgated or  
126 caused to be enforced in violation of this section may file suit  
127 against any county, agency, municipality, district or other  
128 entity, and against any person in their individual or official  
129 capacity, in any court of this state having jurisdiction over

Amendment No. 1

130 any defendant to the suit for declaratory and injunctive relief  
131 and for all actual and consequential damages attributable to the  
132 violation. A court shall award the prevailing plaintiff in any  
133 such suit:

134 1. Reasonable attorneys fee and costs in accordance with  
135 the laws of this state, including a contingency fee multiplier,  
136 if applicable, of between 1.5 and 3; and

137 2. The greater of actual damages or an amount as  
138 determined by the court of not less than \$25,000 or more than  
139 \$100,000;

140

141 Damages under this subsection shall not be subject to the  
142 requirements or damages limitations of ch. 768.28. Interest on  
143 the sums awarded pursuant to this subsection shall accrue at 15  
144 percent per annum from the date on which suit was filed. Where  
145 applicable, payment may be secured by seizure of any vehicles  
146 used or operated for the benefit of any elected officeholder or  
147 official found to have violated this section if not paid within  
148 72 hours after the order's filing.

149 (4) EXCEPTIONS.— This section does not prohibit:

150 (a) Zoning ordinances that encompass shooting ranges, or  
151 firearms businesses along with other businesses, except that  
152 zoning ordinances that are designed for the purpose of  
153 restricting or prohibiting the sale, purchase, transfer, or  
154 manufacture of firearms or ammunition as a method of regulating  
155 firearms or ammunition are in conflict with this subsection and  
156 are prohibited;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 45 (2011)

Amendment No. 1

157 (b) A duly organized law enforcement agency from enacting  
158 and enforcing regulations pertaining to firearms, ammunition, or  
159 firearm accessories issued to or used by peace officers in the  
160 course of their official duties;

161 (c) Except as provided in s. 790.251, any entity subject  
162 to the prohibitions of this section from regulating or  
163 prohibiting the carrying of firearms and ammunition by an  
164 employee of the entity during and in the course of the  
165 employee's official duties;

166 (d) A court or administrative law judge from hearing and  
167 resolving any case or controversy or issuing any opinion or  
168 order on a matter within the jurisdiction of that court or  
169 judge; or

170 (e) The Florida Fish and Wildlife Conservation Commission  
171 from regulating the use of firearms or ammunition as a method of  
172 taking wildlife and regulating the shooting ranges managed by  
173 the commission.

174 (5) ~~(b)~~ SHORT TITLE.—As created by chapter 87-23, Laws of  
175 Florida, this section shall be known and may be cited as the  
176 "Joe Carlucci Uniform Firearms Act."

177 Section 2. This act shall take effect October 1, 2011.

180 -----  
181 **T I T L E A M E N D M E N T**

182 Remove line 8 and insert:

183 and ammunition by the enactment or causation of enforcement of  
184 any

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 45 (2011)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*favourable*  
*4-7-11*

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Gaetz offered the following:

3

4 **Amendment to Amendment (1) by Representative Gaetz**

5 Remove line 150 and insert:

6 (a) Zoning ordinances that encompass

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

CS/HB 75 : Offense of Sexting

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle			X		
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 75 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Favorable  
3-30-11*

1 Committee/Subcommittee hearing bill: Judiciary  
 2 Representative(s) Abruzzo offered the following:

**Amendment (with title amendment)**

Remove lines 26-39 and insert:

6 distribute to another minor any photograph or video of any  
 7 person which depicts nudity, as defined in s. 847.001(9),  
 8 Florida Statutes, and is harmful to minors, as defined in s.  
 9 847.001(6), Florida Statutes. The transmission or distribution  
 10 of multiple photographs or videos is a single offense if the  
 11 photographs or videos were transmitted or distributed within the  
 12 same 24-hour period.

15 -----  
 16 **T I T L E A M E N D M E N T**

Remove lines 6-11 and insert:

18 or distribute to another minor any photograph or video of any  
 19 person which depicts nudity and is harmful to minors; providing

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 75 (2011)

Amendment No. 1

20 noncriminal and criminal penalties; providing that the  
21 transmission or distribution of multiple photographs or videos  
22 is a single offense if the



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 75 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

*Favorable  
4.7.11*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Eisnaugle offered the following:

3  
4 **Amendment**

5 Remove lines 47-58 and insert:

6 (b) Commits a misdemeanor of the first degree for a  
7 violation that occurs after being found to have committed a  
8 noncriminal violation for sexting, punishable as provided in s.  
9 775.082 or s. 775.083, Florida Statutes.

10 (c) Commits a felony of the third degree for a violation  
11 that occurs after being found to have committed a misdemeanor of  
12 the first degree for sexting, punishable as provided in s.  
13 775.082, s. 775.083, or s. 775.084, Florida Statutes.

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

CS/HB 409 : Pub. Rec./Criminal Intelligence Information or Criminal Investigative Information

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson			X		
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz				X	
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube			X		
William Snyder (Chair)	X				
<b>Total Yeas: 15</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

CS/HB 449 : Criminal Justice

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle			X		
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison			X		
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 0</b>			

### Appearances:

CS/HB 449

Bondi, Pam - Proponent  
Attorney General  
PL 01, The Capitol  
Tallahassee FL 32399  
Phone: (850) 245-0184

CS/HB 449

Trammell, Robert (Lobbyist) - Waive In Support  
Florida Public Defender Association, Inc  
PO Box 11057  
Tallahassee FL 32302  
Phone: (850)510-2187

CS/HB 449

Lukis, Vicki (Lobbyist) - Waive In Support  
836 Madrid St  
Coral Gables FL 33134  
Phone: 305-216-7794

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

**Location:** 404 HOB

CS/HB 449

Pitts, Brian - Waive In Support

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

CS/HB 449

Benham, Lauren (General Public) - Waive In Support

American Civil Liberties Union Florida

8770 Dunblane Ct.

Tallahassee FL 32312

CS/HB 449

Schlakman, Mark (State Employee) - Waive In Support

Senior Program Director, FSU Center for the Advancement of Human Rights

425 W Jefferson St

Tallahassee FL 32301

Phone: 850-644-4614

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HM 557 : Parental Rights Amendment

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz			X		
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz		X			
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

CS/HB 997 : Juvenile Civil Citations

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

### Appearances:

CS/HB 997

Potts, Adam (Lobbyist) (State Employee) - Waive In Support  
Deputy Director of Legislative Affairs, Florida Department of Juvenile Justice  
2737 Centerview Drive  
Tallahassee FL 32399  
Phone: 850-322-9572

CS/HB 997

Murray, Pete (General Public) - Information Only  
Research Analyst, Florida TaxWatch  
106 N Bronough St  
Tallahassee FL 32301  
Phone: 407-709-0533

CS/HB 997

Daniels, Nancy (State Employee) - Waive In Support  
Public Defender, 2nd circuit  
Leon County Courthouse 301 S Monroe Street  
Tallahassee FL 32301  
Phone: 850-606-1010

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HJR 1097 : Senate Confirmation of Justices and Judges

*Not Considered*

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HJR 7025 : Rules of Court

*Not Considered*

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM



# COMMITTEE MEETING REPORT

Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7027 : Court Rules of Process and Procedure

*Not Considered*

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HJR 7037 : Judicial Qualifications Commission

*Not Considered*

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HJR 7039 : Judicial Retention Elections

*Not Considered*

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7101 : Judicial Nominating Commissions

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle			X		
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 6</b>			

**Appearances:**

HB 7101

Metz, Stephen (Lobbyist) - Opponent

Florida Bar, The  
650 Apalachee Pky  
Tallahassee FL 32399-2300  
Phone: (850)205-9000

HB 7101

Pitts, Brian - Proponent

Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: 727-897-9291

HB 7101

Large, William (Lobbyist) - Proponent

Florida Justice Reform Institute  
210 S Monroe St  
Tallahassee FL 32301-1824  
Phone: (850)222-0170

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

**4/7/2011 8:00:00AM**

**Location:** 404 HOB

**HJR 7111 : Supreme Court**

*Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 12</b>		<b>Total Nays: 6</b>			

### HJR 7111 Amendments

#### Amendment 1

*Adopted*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

**4/7/2011 8:00:00AM**

**Location:** 404 HOB

William Snyder (Chair)	X		
<b>Total Yays: 13</b>		<b>Total Nays: 5</b>	

**Amendment 1b** - Amendment 2 to Amendment 1

Failed to Adopt

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley		X			
Daphne Campbell	X				
Eric Eisnaugle		X			
Matt Gaetz		X			
Tom Goodson			X		
Bill Hager		X			
Shawn Harrison		X			
John Julien	X				
Charles McBurney		X			
Larry Metz			X		
Kathleen Passidomo		X			
Ray Pilon		X			
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube			X		
William Snyder (Chair)		X			
<b>Total Yays: 6</b>		<b>Total Nays: 9</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

### Amendment 1c - Amendment 3 to Amendment 1

Failed to Adopt

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley		X			
Daphne Campbell	X				
Eric Eisnaugle		X			
Matt Gaetz		X			
Tom Goodson			X		
Bill Hager		X			
Shawn Harrison		X			
John Julien	X				
Charles McBurney		X			
Larry Metz			X		
Kathleen Passidomo		X			
Ray Pilon		X			
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube			X		
William Snyder (Chair)		X			
<b>Total Yays: 6</b>		<b>Total Nays: 9</b>			

### Appearances:

HJR 7111

Downs, Mayanne (General Public) - Information Only

The Florida Bar

P O Box 1631

Orlando FL 32806

Phone: 407-810-5560

HJR 7111

Parsley, Lee (Lobbyist) - Proponent

Florida Justice Reform Institute

400 West 15th Street, Suite 1400

Austin TX 78701

Phone: 512-320-0474

HJR 7111

Lawson, Alan (State Employee) - Information Only

District Judge, Florida Conference of DCA Judges

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

**Location:** 404 HOB

HJR 7111

Webster, Peter (State Employee) - Information Only

Judge, 1st DCA

2000 Drayton Dr

Tallahassee FL 32399

Phone: 850-717-8168

HJR 7111

Laurent, John (State Employee) - Information Only

Chair, Trial Court Budget Commission

P O Box 1018

Bartow FL 33831

Phone: 863-205-1720

HJR 7111

Harris, Bob (Lobbyist) - Opponent

Trial Lawyers Section of the Florida Bar

651 E Jefferson St

Tallahassee FL 32399

Phone: (850)222-0720

Swartz, Jill (General Public) - Opponent

State Chair, National Council of Jewish Women

4144 Chase Ave

Miami Beach FL 33140

Phone: 305-538-4744

HJR 7111

Pitts, Brian - Proponent

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HJR 7111

Maus, Kathy (General Public) - Opponent

Vice President, Tallahassee Chapter of ABOTA

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

*farrable  
4.7.11*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative(s) Eisnaugle offered the following:

**Amendment (with ballot and title amendments)**

Remove everything after the resolving clause and insert:

That the following amendments to Sections 2, 3, 4, 7, 11,  
12 and 14 of Article V, Section 17 of Article III, Sections 3  
and 10 of Article IV, and the creation of Section 21 of Article  
V, of the State Constitution are agreed to and shall be  
submitted to the electors of this state for approval or  
rejection at the next general election or at an earlier special  
election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 2. Administration; practice and procedure.-

(a) The supreme court shall adopt rules for the practice  
and procedure in all courts including the time for seeking  
appellate review, the administrative supervision of all courts,

## Amendment No. 1

20 the transfer to the court having jurisdiction of any proceeding  
21 when the jurisdiction of another court has been improvidently  
22 invoked, and a requirement that no cause shall be dismissed  
23 because an improper remedy has been sought. The supreme court  
24 shall adopt rules to allow it ~~the court~~ and the district courts  
25 of appeal to submit questions relating to military law to the  
26 federal Court of Appeals for the Armed Forces for an advisory  
27 opinion. Rules of court may be repealed by general law that  
28 expresses the policy behind the repeal enacted by two-thirds  
29 vote of the membership of each house of the legislature. The  
30 court may readopt the repealed rule in conformance with the  
31 expressed legislative policy. If the readopted rule is again  
32 repealed by general law, the rule shall not be readopted. The  
33 legislature shall be the final authority to determine whether a  
34 readopted rule is again repealed. The supreme court divisions  
35 may meet jointly regarding rules or may assign categories of the  
36 rules to the divisions.

37 (b) (1) The chief justice of the supreme court of Florida  
38 shall be ~~chosen by a majority of the members of the court;~~ shall  
39 ~~be~~ the chief administrative officer of the judicial system; and  
40 shall have the power to assign justices or judges, including  
41 consenting retired justices or judges, to temporary duty in any  
42 court for which the judge is qualified and to delegate to a  
43 chief judge of a judicial circuit the power to assign judges for  
44 duty in that circuit. The office of chief justice of the supreme  
45 court of Florida shall alternate between the chief justice of  
46 the civil division and the chief justice of the criminal  
47 division every four years.

Amendment No. 1

48       (2) The chief justice of each division shall each be chosen  
49 by the governor with the advice and consent of the senate as  
50 provided in article V, section 11(d). The chief justice of a  
51 division shall be responsible for the administrative supervision  
52 of the division. The office of chief justice of a division shall  
53 be for an eight year term, with the terms of the divisions  
54 permanently set and staggered four years apart. A chief justice  
55 of a division shall also be chief justice of the supreme court  
56 of Florida in the second half of the term. After a term as chief  
57 justice of a division is concluded, the justice shall be a  
58 justice of the same division and may be reappointed and  
59 reconfirmed as chief justice of the division. A chief justice of  
60 a division is a justice of the supreme court subject to a  
61 retention election every six years pursuant to article V,  
62 section 10, and subject to the eligibility requirements of  
63 article V, section 8, which eligibility shall be determined by  
64 the retention term, not the term as a chief justice.

65       (3) If there is a vacancy in the position of chief justice  
66 of a division, the justice with the most time in service to the  
67 division shall be the acting chief justice until a new chief  
68 justice of the division is appointed and confirmed for the  
69 remainder of the term.

70       (c) A chief judge for each district court of appeal shall  
71 be chosen by a majority of the judges thereof or, if there is no  
72 majority, by the chief justice. The chief judge of a district  
73 court shall be responsible for the administrative supervision of  
74 the district court.

Amendment No. 1

75 (d) A chief judge in each circuit shall be chosen from  
76 among the circuit judges as provided by supreme court rule. The  
77 chief judge of a circuit shall be responsible for the  
78 administrative supervision of the circuit courts and county  
79 courts in the his circuit.

80 SECTION 3. Supreme court; divisions.-

81 (a) Organization.-The supreme court shall consist of ten  
82 ~~seven~~ justices, five justices shall serve in the civil division  
83 and five in the criminal division. In each division, ~~Of the~~  
84 ~~seven justices,~~ each appellate district shall have at least one  
85 justice ~~elected or~~ appointed from the district to the supreme  
86 court division who is a resident of the district at the time of  
87 the original appointment ~~or election~~. Four ~~Five~~ justices of a  
88 division shall constitute a quorum for that division, and the  
89 concurrence of three ~~four~~ justices shall be necessary to a  
90 decision. When vacancies or recusals for cause would prohibit  
91 the court from convening because of the requirements of this  
92 subsection ~~section~~, judges assigned to temporary duty may be  
93 substituted for justices. The justices of both divisions, with  
94 seven justices constituting a quorum, shall jointly meet  
95 regarding court rules, administrative supervision of the courts,  
96 and disciplinary cases, but the justices shall not otherwise  
97 meet en banc.

98 (b) Jurisdiction.-The appropriate division of the supreme  
99 court:

100 (1) Shall hear appeals from ~~final judgments of trial~~  
101 ~~courts imposing the death penalty and from~~ decisions of district

Amendment No. 1

102 courts of appeal declaring invalid a state statute or a  
103 provision of the state constitution.

104 (2) When provided by general law, shall hear appeals from  
105 final judgments entered in proceedings for the validation of  
106 bonds or certificates of indebtedness and shall review action of  
107 statewide agencies relating to rates or service of utilities  
108 providing electric, gas, or telephone service. Only the civil  
109 division has jurisdiction pursuant to this paragraph.

110 (3) May review any decision of a district court of appeal  
111 that expressly declares valid a state statute, or that expressly  
112 construes a provision of the state or federal constitution, or  
113 that expressly affects a class of constitutional or state  
114 officers, or that ~~expressly and directly~~ conflicts with a  
115 decision of another district court of appeal or of the supreme  
116 court on the same question of law.

117 (4) May review any decision of a district court of appeal  
118 that passes upon a question certified by it to be of great  
119 public importance, or that is certified by it to be in direct  
120 conflict with a decision of another district court of appeal, or  
121 that is found by that division of the supreme court to be of  
122 great public importance.

123 (5) May review any order or judgment of a trial court  
124 certified by the district court of appeal in which an appeal is  
125 pending to be of great public importance, or to have a great  
126 effect on the proper administration of justice throughout the  
127 state, and certified to require immediate resolution by the  
128 supreme court.

Amendment No. 1

129 (6) May review a question of law certified by the Supreme  
130 Court of the United States or a United States Court of Appeals  
131 which is determinative of the cause and for which there is no  
132 controlling precedent of the supreme court of Florida.

133 (7) May issue writs of prohibition to courts and all writs  
134 necessary to the complete exercise of its jurisdiction.

135 (8) May issue writs of mandamus and quo warranto to state  
136 officers and state agencies.

137 (9) May, or any justice may, issue writs of habeas corpus  
138 returnable before the supreme court or any justice, a district  
139 court of appeal or any judge thereof, or any circuit judge. Only  
140 a justice in the criminal division has jurisdiction to issue a  
141 writ of habeas corpus in a criminal case.

142 (10) Shall, when requested by the attorney general  
143 pursuant to the provisions of Section 10 of Article IV, render  
144 an advisory opinion of the justices, addressing issues as  
145 provided by general law.

146 (11) Shall hear appeals from final judgments of trial  
147 courts imposing the death penalty. Only the criminal division  
148 has any jurisdiction pursuant to this paragraph.

149 (c) ASSIGNMENT OF CASES TO DIVISIONS.—Criminal cases shall  
150 be assigned to the criminal division, and civil cases shall be  
151 assigned to the civil division.

152 (1) A criminal case is any case or controversy primarily  
153 involving the commission of a felony or misdemeanor. It shall  
154 also include any case or controversy involving criminal law,  
155 criminal penalties, criminal procedure, juvenile delinquency, or  
156 any related action regarding the interpretation of or resolution

Amendment No. 1

157 of matters directly affecting the criminal law. Equitable relief  
158 related to the criminal law, including where a party seeks to  
159 enjoin the application or form of a criminal penalty, shall be  
160 within the jurisdiction of the criminal division.

161 (2) A civil case is any case or controversy within the  
162 traditional concepts of civil law, including tort, contract,  
163 family law, probate, trusts, real property, employment law,  
164 taxation, and elections. The civil division shall have no  
165 jurisdiction or authority, whether express or implied, to issue  
166 a stay of execution or to hear any challenge of any law or  
167 procedure regarding the death penalty or the administration of a  
168 criminal penalty.

169 (3) The legislature may, by general law, further define the  
170 types of cases that are to be referred to each division.

171 (d) JURISDICTIONAL CONFLICTS.—If both divisions assert  
172 jurisdiction over a particular case, the chief justice of the  
173 supreme court of Florida shall decide where jurisdiction is  
174 appropriate.

175 ~~(c) CLERK AND MARSHAL.—The supreme court shall appoint a~~  
176 ~~clerk and a marshal who shall hold office during the pleasure of~~  
177 ~~the court and perform such duties as the court directs. Their~~  
178 ~~compensation shall be fixed by general law. The marshal shall~~  
179 ~~have the power to execute the process of the court throughout~~  
180 ~~the state, and in any county may deputize the sheriff or a~~  
181 ~~deputy sheriff for such purpose.~~

182 SECTION 4. District courts of appeal.—

183 (a) ORGANIZATION.—There shall be a district court of  
184 appeal serving each appellate district. Each district court of

Amendment No. 1

185 | appeal shall consist of at least three judges. Three judges  
186 | shall consider each case and the concurrence of two shall be  
187 | necessary to a decision.

188 | (b) JURISDICTION.—

189 | (1) District courts of appeal shall have jurisdiction to  
190 | hear appeals, that may be taken as a matter of right, from final  
191 | judgments or orders of trial courts, including those entered on  
192 | review of administrative action, not directly appealable to the  
193 | supreme court or a circuit court. They may review interlocutory  
194 | orders in such cases to the extent provided by rules adopted by  
195 | the supreme court.

196 | (2) District courts of appeal shall have the power of  
197 | direct review of administrative action, as prescribed by general  
198 | law.

199 | (3) A district court of appeal or any judge thereof may  
200 | issue writs of habeas corpus returnable before the court or any  
201 | judge thereof or before any circuit judge within the territorial  
202 | jurisdiction of the court. A district court of appeal may issue  
203 | writs of mandamus, certiorari, prohibition, quo warranto, and  
204 | other writs necessary to the complete exercise of its  
205 | jurisdiction. To the extent necessary to dispose of all issues  
206 | in a cause properly before it, a district court of appeal may  
207 | exercise any of the appellate jurisdiction of the circuit  
208 | courts.

209 | ~~(c) CLERKS AND MARSHALS.—Each district court of appeal~~  
210 | ~~shall appoint a clerk and a marshal who shall hold office during~~  
211 | ~~the pleasure of the court and perform such duties as the court~~  
212 | ~~directs. Their compensation shall be fixed by general law. The~~



Amendment No. 1

213 | ~~marshal shall have the power to execute the process of the court~~  
214 | ~~throughout the territorial jurisdiction of the court, and in any~~  
215 | ~~county may deputize the sheriff or a deputy sheriff for such~~  
216 | ~~purpose.~~

217 |       SECTION 7. Specialized divisions.—The supreme court shall  
218 | sit in a civil division and a criminal division, except where  
219 | specifically authorized in this Article to sit jointly. All  
220 | other courts except the supreme court may sit in divisions as  
221 | may be established by general law. A circuit or county court may  
222 | hold civil and criminal trials and hearings in any place within  
223 | the territorial jurisdiction of the court as designated by the  
224 | chief judge of the circuit.

225 |       SECTION 11. Vacancies.—

226 |       (a) Whenever a vacancy occurs in a judicial office to  
227 | which election for retention applies, the governor shall fill  
228 | the vacancy by appointing for a term ending on the first Tuesday  
229 | after the first Monday in January of the year following the next  
230 | general election occurring at least one year after the date of  
231 | appointment, one of not fewer than three persons nor more than  
232 | six persons nominated by the appropriate judicial nominating  
233 | commission.

234 |       (b) The governor shall fill each vacancy on a circuit  
235 | court or on a county court, wherein the judges are elected by a  
236 | majority vote of the electors, by appointing for a term ending  
237 | on the first Tuesday after the first Monday in January of the  
238 | year following the next primary and general election occurring  
239 | at least one year after the date of appointment, one of not  
240 | fewer than three persons nor more than six persons nominated by

Amendment No. 1

241 the appropriate judicial nominating commission. An election  
242 shall be held to fill that judicial office for the term of the  
243 office beginning at the end of the appointed term.

244 (c) The nominations shall be made within thirty days from  
245 the occurrence of a vacancy unless the period is extended by the  
246 governor for a time not to exceed thirty days. The governor  
247 shall make the appointment within sixty days after the  
248 nominations have been certified to the governor.

249 (d) Each appointment of a justice of the supreme court is  
250 subject to confirmation by the senate. The senate may sit for  
251 the purposes of confirmation regardless of whether the house of  
252 representatives is in session or not, or the senate may by its  
253 rules designate a committee of senators who shall decide on  
254 confirmations while the senate is not in session. If the senate  
255 fails to vote on the appointment of a justice within 90 days,  
256 the justice shall be deemed confirmed. If the senate votes to  
257 not confirm the appointment, the supreme court judicial  
258 nominating commission shall reconvene as though a new vacancy  
259 had occurred but may not renominate any person whose prior  
260 appointment to fill the same vacancy was not confirmed by the  
261 senate. The appointment of a justice is effective on the date of  
262 confirmation by the senate. A justice in one division may apply  
263 for a position in the other division, but may not concurrently  
264 serve on both.

265 (e)~~(d)~~ There shall be a separate judicial nominating  
266 commission as provided by general law for the supreme court, one  
267 for each district court of appeal, and one for each judicial  
268 circuit for all trial courts within the circuit. Uniform rules

Amendment No. 1

269 of procedure shall be established by the judicial nominating  
270 commissions at each level of the court system. Such rules, or  
271 any part thereof, may be repealed by general law enacted by a  
272 majority vote of the membership of each house of the  
273 legislature, or by a majority vote of the justices of each  
274 division of the supreme court, ~~five justices concurring~~. Except  
275 for deliberations of the judicial nominating commissions, the  
276 proceedings of the commissions and their records shall be open  
277 to the public.

278 SECTION 12. Discipline; removal and retirement.—

279 (a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial  
280 qualifications commission is created.

281 (1) There shall be a judicial qualifications commission  
282 vested with jurisdiction to investigate and recommend to the  
283 Supreme Court of Florida the removal from office of any justice  
284 or judge whose conduct, during term of office or otherwise,  
285 ~~occurring on or after November 1, 1966, (without regard to the~~  
286 ~~effective date of this section)~~ demonstrates a present unfitness  
287 to hold office, and to investigate and recommend the discipline  
288 of a justice or judge whose conduct, during term of office or  
289 ~~otherwise occurring on or after November 1, 1966 (without regard~~  
290 ~~to the effective date of this section)~~, warrants such  
291 discipline. For purposes of this section, discipline is defined  
292 as any or all of the following: reprimand, fine, suspension with  
293 or without pay, or lawyer discipline. The commission shall have  
294 jurisdiction over justices and judges regarding allegations that  
295 misconduct occurred before or during service as a justice or  
296 judge if a complaint is made no later than one year following

Amendment No. 1

297 service as a justice or judge. The commission shall have  
298 jurisdiction regarding allegations of incapacity during service  
299 as a justice or judge. The commission shall be composed of:

300 a. Two judges of district courts of appeal selected by the  
301 judges of those courts, two circuit judges selected by the  
302 judges of the circuit courts and two judges of county courts  
303 selected by the judges of those courts;

304 b. Four electors who reside in the state, who are members  
305 of the bar of Florida, and who shall be chosen by the governing  
306 body of the bar of Florida; and

307 c. Five electors who reside in the state, who have never  
308 held judicial office or been members of the bar of Florida, and  
309 who shall be appointed by the governor.

310 (2) The members of the judicial qualifications commission  
311 shall serve staggered terms, not to exceed six years, as  
312 prescribed by general law. No member of the commission except a  
313 judge shall be eligible for state judicial office while acting  
314 as a member of the commission and for a period of two years  
315 thereafter. No member of the commission shall hold office in a  
316 political party or participate in any campaign for judicial  
317 office or hold public office; provided that a judge may campaign  
318 for judicial office and hold that office. The commission shall  
319 elect one of its members as its chairperson.

320 (3) Members of the judicial qualifications commission not  
321 subject to impeachment shall be subject to removal from the  
322 commission pursuant to the provisions of Article IV, Section 7,  
323 Florida Constitution.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 7111 (2011)

Amendment No. 1

324 (4) The commission shall adopt rules regulating its  
325 proceedings, the filling of vacancies by the appointing  
326 authorities, the disqualification of members, the rotation of  
327 members between the panels, and the temporary replacement of  
328 disqualified or incapacitated members. The commission's rules,  
329 or any part thereof, may be repealed by general law ~~enacted by a~~  
330 ~~majority vote of the membership of each house of the~~  
331 ~~legislature,~~ or by the supreme court, seven ~~five~~ justices  
332 concurring. The commission shall have power to issue subpoenas.  
333 Until formal charges against a justice or judge are filed by the  
334 investigative panel with the clerk of the supreme court of  
335 Florida all proceedings by or before the commission shall be  
336 confidential; provided, however, upon a finding of probable  
337 cause and the filing by the investigative panel with said clerk  
338 of such formal charges against a justice or judge such charges  
339 and all further proceedings before the commission shall be  
340 public.

341 (5) The commission shall have access to all information  
342 from all executive, legislative and judicial agencies, including  
343 grand juries, subject to the rules of the commission. At any  
344 time, on request of the speaker of the house of representatives  
345 ~~or the governor,~~ the commission shall make available to the  
346 house of representatives all information in the possession of  
347 the commission, which information shall remain confidential  
348 during any investigation and until such information is used in  
349 the pursuit for use in consideration of impeachment ~~or~~  
350 ~~suspension, respectively.~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 7111 (2011)

Amendment No. 1

351 (b) PANELS.—The commission shall be divided into an  
352 investigative panel and a hearing panel as established by rule  
353 of the commission. The investigative panel is vested with the  
354 jurisdiction to receive or initiate complaints, conduct  
355 investigations, dismiss complaints, and upon a vote of a simple  
356 majority of the panel submit formal charges to the hearing  
357 panel. The hearing panel is vested with the authority to receive  
358 and hear formal charges from the investigative panel and upon a  
359 two-thirds vote of the panel recommend to the supreme court the  
360 removal of a justice or judge or the involuntary retirement of a  
361 justice or judge for any permanent disability that seriously  
362 interferes with the performance of judicial duties. Upon a  
363 simple majority vote of the membership of the hearing panel, the  
364 panel may recommend to the supreme court that the justice or  
365 judge be subject to appropriate discipline.

366 (c) SUPREME COURT.—The supreme court shall receive  
367 recommendations from the judicial qualifications commission's  
368 hearing panel.

369 (1) The supreme court may accept, reject, or modify in  
370 whole or in part the findings, conclusions, and recommendations  
371 of the commission and it may order that the justice or judge be  
372 subjected to appropriate discipline, or be removed from office  
373 with termination of compensation for willful or persistent  
374 failure to perform judicial duties or for other conduct  
375 unbecoming a member of the judiciary demonstrating a present  
376 unfitness to hold office, or be involuntarily retired for any  
377 permanent disability that seriously interferes with the  
378 performance of judicial duties. Malafides, scienter or moral

Amendment No. 1

379 turpitude on the part of a justice or judge shall not be  
380 required for removal from office of a justice or judge whose  
381 conduct demonstrates a present unfitness to hold office. After  
382 the filing of a formal proceeding and upon request of the  
383 investigative panel, the supreme court may suspend the justice  
384 or judge from office, with or without compensation, pending  
385 final determination of the inquiry.

386 (2) The supreme court may award costs to the prevailing  
387 party.

388 (d) The power of removal conferred by this section shall  
389 be both alternative and cumulative to the power of impeachment.

390 (e) Notwithstanding any of the foregoing provisions of  
391 this section, if the person who is the subject of proceedings by  
392 the judicial qualifications commission is a justice of the  
393 supreme court of Florida all justices of such court  
394 automatically shall be disqualified to sit as justices of such  
395 court with respect to all proceedings therein concerning such  
396 person and the supreme court for such purposes shall be composed  
397 of a panel consisting of the seven chief judges of the judicial  
398 circuits of the state of Florida most senior in tenure of  
399 judicial office as circuit judge. For purposes of determining  
400 seniority of such circuit judges in the event there be judges of  
401 equal tenure in judicial office as circuit judge the judge or  
402 judges from the lower numbered circuit or circuits shall be  
403 deemed senior. In the event any such chief circuit judge is  
404 under investigation by the judicial qualifications commission or  
405 is otherwise disqualified or unable to serve on the panel, the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 7111 (2011)

Amendment No. 1

406 next most senior chief circuit judge or judges shall serve in  
407 place of such disqualified or disabled chief circuit judge.

408 (f) SCHEDULE TO SECTION 12.—

409 (1) Except to the extent inconsistent with the provisions  
410 of this section, all provisions of law and rules of court in  
411 force on the effective date of this article shall continue in  
412 effect until superseded in the manner authorized by the  
413 constitution.

414 (2) After this section becomes effective and until adopted  
415 by rule of the commission consistent with it:

416 a. The commission shall be divided, as determined by the  
417 chairperson, into one investigative panel and one hearing panel  
418 to meet the responsibilities set forth in this section.

419 b. The investigative panel shall be composed of:

420 1. Four judges,

421 2. Two members of the bar of Florida, and

422 3. Three non-lawyers.

423 c. The hearing panel shall be composed of:

424 1. Two judges,

425 2. Two members of the bar of Florida, and

426 3. Two non-lawyers.

427 d. Membership on the panels may rotate in a manner  
428 determined by the rules of the commission provided that no  
429 member shall vote as a member of the investigative and hearing  
430 panel on the same proceeding.

431 e. The commission shall hire separate staff for each  
432 panel.



## Amendment No. 1

433 f. The members of the commission shall serve for staggered  
434 terms of six years.

435 ~~g. The terms of office of the present members of the~~  
436 ~~judicial qualifications commission shall expire upon the~~  
437 ~~effective date of the amendments to this section approved by the~~  
438 ~~legislature during the regular session of the legislature in~~  
439 ~~1996 and new members shall be appointed to serve the following~~  
440 ~~staggered terms:~~

441 ~~1. Group I. The terms of five members, composed of two~~  
442 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~  
443 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~  
444 ~~V, one judge from the district courts of appeal and one circuit~~  
445 ~~judge as set forth in s. 12(a)(1)a. of Article V, shall expire~~  
446 ~~on December 31, 1998.~~

447 ~~2. Group II. The terms of five members, composed of one~~  
448 ~~elector as set forth in s. 12(a)(1)c. of Article V, two members~~  
449 ~~of the bar of Florida as set forth in s. 12(a)(1)b. of Article~~  
450 ~~V, one circuit judge and one county judge as set forth in s.~~  
451 ~~12(a)(1)a. of Article V shall expire on December 31, 2000.~~

452 ~~3. Group III. The terms of five members, composed of two~~  
453 ~~electors as set forth in s. 12(a)(1)c. of Article V, one member~~  
454 ~~of the bar of Florida as set forth in s. 12(a)(1)b., one judge~~  
455 ~~from the district courts of appeal and one county judge as set~~  
456 ~~forth in s. 12(a)(1)a. of Article V, shall expire on December~~  
457 ~~31, 2002.~~

458 ~~g.h.~~ An appointment to fill a vacancy of the commission  
459 shall be for the remainder of the term.

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460       ~~h.i.~~ Selection of members by district courts of appeal  
461 judges, circuit judges, and county court judges, shall be by no  
462 less than a majority of the members voting at the respective  
463 courts' conferences. Selection of members by the board of  
464 governors of the bar of Florida shall be by no less than a  
465 majority of the board.

466       ~~i.j.~~ The commission shall be entitled to recover the costs  
467 of investigation and prosecution, in addition to any penalty  
468 levied by the supreme court.

469       ~~j.k.~~ The compensation of members and referees shall be the  
470 travel expenses or transportation and per diem allowance as  
471 provided by general law.

## 472       SECTION 14. Funding.—

473       (a) All justices and judges shall be compensated only by  
474 state salaries fixed by general law. Funding for the state  
475 courts system, state attorneys' offices, public defenders'  
476 offices, and court-appointed counsel, except as otherwise  
477 provided in subsection (c), shall be provided from state  
478 revenues appropriated by general law.

479       (b) All funding for the offices of the clerks of the  
480 circuit and county courts performing court-related functions,  
481 except as otherwise provided in this subsection and subsection  
482 (c), shall be provided by adequate and appropriate filing fees  
483 for judicial proceedings and service charges and costs for  
484 performing court-related functions as required by general law.  
485 Selected salaries, costs, and expenses of the state courts  
486 system may be funded from appropriate filing fees for judicial  
487 proceedings and service charges and costs for performing court-

Amendment No. 1

488 related functions, as provided by general law. Where the  
489 requirements of either the United States Constitution or the  
490 Constitution of the State of Florida preclude the imposition of  
491 filing fees for judicial proceedings and service charges and  
492 costs for performing court-related functions sufficient to fund  
493 the court-related functions of the offices of the clerks of the  
494 circuit and county courts, the state shall provide, as  
495 determined by the legislature, adequate and appropriate  
496 supplemental funding from state revenues appropriated by general  
497 law.

498 (c) No county or municipality, except as provided in this  
499 subsection, shall be required to provide any funding for the  
500 state courts system, state attorneys' offices, public defenders'  
501 offices, court-appointed counsel or the offices of the clerks of  
502 the circuit and county courts performing court-related  
503 functions. Counties shall be required to fund the cost of  
504 communications services, existing radio systems, existing multi-  
505 agency criminal justice information systems, and the cost of  
506 construction or lease, maintenance, utilities, and security of  
507 facilities for the trial courts, public defenders' offices,  
508 state attorneys' offices, and the offices of the clerks of the  
509 circuit and county courts performing court-related functions.  
510 Counties shall also pay reasonable and necessary salaries,  
511 costs, and expenses of the state courts system to meet local  
512 requirements as determined by general law.

513 (d) The judiciary shall have no power to fix  
514 appropriations.

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515 (e) The total appropriation of all fund sources to the  
516 judicial branch shall equal no less than 2.25 percent of the  
517 total General Revenue funds appropriated in said act. Any  
518 adjustments to the total appropriations of all fund sources to  
519 the judicial branch made in any special appropriations act shall  
520 equal no more than the percent of total General Revenue  
521 appropriations adjusted in said special appropriations act.

522 SECTION 21. Schedule to Article V amendment increasing the  
523 membership of the supreme court and creating divisions thereof.-

524 (a) Except to the extent inconsistent with this article,  
525 all provisions of law and rules of court in force on the  
526 effective date of this article shall continue in effect until  
527 superseded in the manner authorized by the constitution.

528 (b) The effective date of the amendment creating two  
529 divisions of the supreme court shall be upon passage by the  
530 electorate.

531 (1) On the first day after the election approving the  
532 amendment, the supreme court shall rank all of the justices then  
533 in office by seniority in service on the supreme court. The  
534 three who have the most seniority shall be the initial justices  
535 assigned to the criminal division, and the remaining justices  
536 shall be the initial justices assigned to the civil division.  
537 Initial appointments of existing justices to either division  
538 shall not be limited by the district court from which the  
539 justice was appointed. A justice assigned to a division of the  
540 supreme court pursuant to this paragraph shall remain in the  
541 same term of office and shall sit for future retention elections  
542 on the same cycle. The supreme court shall immediately transmit

Amendment No. 1

543 to the Governor the names of the justices, their division  
544 assignment, and the districts from which they were appointed.  
545 The governor shall then direct the supreme court nominating  
546 commission to make its recommendations for the open seats of  
547 justices for both divisions, which recommendations must be  
548 delivered to the governor no later than the 60th day after the  
549 election. Before the 90th day after the election, the governor  
550 shall make the appointments for the open seats and shall also  
551 designate the chief justices of each division. The appointments  
552 and designations shall, in this instance only, not be subject to  
553 the advice and consent of the senate.

554 (2) The supreme court shall inventory all cases in its  
555 possession and determine as to each case whether it will be  
556 assigned to the criminal division or the civil division. Newly  
557 filed cases shall be designated between the two new divisions as  
558 they are filed. The supreme court shall retain full jurisdiction  
559 and power over all cases until such cases are actually assigned  
560 to a division, including the power to issue final process that  
561 would have the effect of removing the case from the inventory of  
562 cases to be assigned.

563 (c) The two divisions of the supreme court shall begin  
564 formal operations on the 120th day after the election. On that  
565 day:

566 (1) Newly appointed justices shall take office.

567 (2) The jurisdiction of the supreme court shall be divided  
568 between the divisions, and all pending cases shall be assigned  
569 to the appropriate division.

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570       (3) The term of the supreme court shall be deemed to have  
571 ended. All mandates issued by the supreme court prior to the end  
572 of the term shall be final and not subject to recall. No motion  
573 for reconsideration shall be considered.

574       (d) The initial chief justice of the civil division shall  
575 also be the chief justice of the supreme court of Florida, and  
576 shall serve in that position from the 120th day after the  
577 election through June 30, 2016. The initial chief justice of the  
578 criminal division shall be the chief justice of the criminal  
579 division from the 120th day after the election through June 30,  
580 2020. Thereafter, the offices of the chief justices of the  
581 divisions shall alternate as provided in article V, section 2.

582       (e) All court rules adopted by the supreme court shall  
583 continue in full force and effect after the effective date of  
584 this amendment, subject to future amendment or repeal.

585       (f) The legislature may by general law otherwise provide  
586 for the administrative transfer of employees, property, duties,  
587 and functions between the divisions.

588       (g) The legislature shall have the power, by concurrent  
589 resolution, to delete from this article any subsection of this  
590 section 21, including this subsection, when all events to which  
591 the subsection to be deleted is or could become applicable have  
592 occurred.

593                                   ARTICLE III

594                                   LEGISLATURE

595       SECTION 17. Impeachment.—

596       (a) The governor, lieutenant governor, members of the  
597 cabinet, justices of the supreme court, judges of district

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Bill No. HJR 7111 (2011)

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598 courts of appeal, judges of circuit courts, and judges of county  
599 courts shall be liable to impeachment for misdemeanor in office.  
600 The house of representatives by two-thirds vote shall have the  
601 power to impeach an officer. The speaker of the house of  
602 representatives shall have power at any time to appoint a  
603 committee to investigate charges against any officer subject to  
604 impeachment.

605 (b) An officer impeached by the house of representatives  
606 shall be disqualified from performing any official duties until  
607 acquitted by the senate, and, unless impeached, the governor may  
608 by appointment fill the office until completion of the trial.

609 (c) All impeachments by the house of representatives shall  
610 be tried by the senate. The chief justice of the supreme court,  
611 or another justice of either division designated by the chief  
612 justice, shall preside at the trial, except in a trial of the  
613 chief justice of either division of the supreme court, in which  
614 case the governor shall preside. The senate shall determine the  
615 time for the trial of any impeachment and may sit for the trial  
616 whether the house of representatives be in session or not. The  
617 time fixed for trial shall not be more than six months after the  
618 impeachment. During an impeachment trial senators shall be upon  
619 their oath or affirmation. No officer shall be convicted without  
620 the concurrence of two-thirds of the members of the senate  
621 present. Judgment of conviction in cases of impeachment shall  
622 remove the offender from office and, in the discretion of the  
623 senate, may include disqualification to hold any office of  
624 honor, trust, or profit. Conviction or acquittal shall not  
625 affect the civil or criminal responsibility of the officer.

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## ARTICLE IV

## EXECUTIVE

SECTION 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the civil division of the supreme court upon due notice after docketing of a written suggestion thereof by two ~~three~~ cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or two ~~three~~ cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records by the governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 10. Attorney General.—The attorney general shall, as directed by general law, request the opinion of the justices of the civil division of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of



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654 procedure, permit interested persons to be heard on the  
655 questions presented and shall render their written opinion no  
656 later than April 1 of the year in which the initiative is to be  
657 submitted to the voters pursuant to Section 5 of Article XI.

658

659

660

661

-----  
**B A L L O T A M E N D M E N T**

662 Remove lines 1177-1217 and insert:  
663

664

665 CONSTITUTIONAL AMENDMENT

666

ARTICLE III, SECTION 17

667

ARTICLE IV, SECTIONS 3 AND 10

668

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14 AND 21

669

670 STATE COURTS.—Proposing an amendment to the State

671

Constitution regarding the courts.

672

Under current law, the Florida Supreme Court, consisting of

673

seven appointed justices, is the highest court in Florida,

674

hearing both civil and criminal cases. This amendment would

675

divide the current Supreme Court into two divisions, one hearing

676

civil cases and the other hearing criminal cases. Each division

677

would have five appointed justices, permanently assigned. The

678

three current justices who have the most service with the

679

Florida Supreme Court would be assigned to the criminal

680

division, the remaining four current justices would be assigned

681

to the civil division, and the Governor will appoint three new

## Amendment No. 1

682 justices to fill the remaining openings in the two divisions.  
683 The existing jurisdiction of the Supreme Court will be expanded  
684 to allow discretionary review of certain lower court decisions.  
685 The amendment generally defines civil law and criminal law, and  
686 allows the legislature, by general law, to further define civil  
687 law and criminal law for purpose of assignment of cases to a  
688 division. The jurisdiction of a division will be limited to the  
689 division's area, whether civil or criminal. The power of  
690 justices of the civil division to issue a writ of habeas corpus  
691 is limited by this amendment. This proposed amendment also  
692 creates a position of chief justice in each of the divisions.  
693 The chief justice of the Supreme Court is the administrative  
694 head of the state judicial system, this amendment provides that  
695 the position of chief justice of the supreme court rotates every  
696 four years between the chief justice of the civil division and  
697 the chief justice of the criminal division. The current  
698 constitution provides that the chief justice is chosen by vote  
699 of the justices, this amendment provides that the initial  
700 justices and the chief justice of each division are selected by  
701 the Governor and future chief justices will be selected by the  
702 Governor subject to Senate confirmation. A chief justice is,  
703 like a regular justice under current law, subject to a retention  
704 election every six years and subject to a mandatory retirement  
705 requirement applicable to all Florida justices and judges.

706 Under current law, the Governor appoints a justice from a  
707 list of nominees provided by a judicial nominating commission,  
708 and appointments by the Governor are not subject to  
709 confirmation. This amendment requires Senate confirmation before

## Amendment No. 1

710 the appointee can take office. If the Senate votes not to  
711 confirm the appointment, the judicial nominating commission must  
712 reconvene and may not renominate any person whose prior  
713 appointment to fill the same vacancy was not confirmed by the  
714 Senate. For the purpose of confirmation, the Senate may meet at  
715 any time or may appoint a committee to decide confirmations  
716 while the Senate is not in session. If the Senate does not vote  
717 against confirmation within 90 days, the justice will be deemed  
718 confirmed and will take office.

719 The State Constitution authorizes the Supreme Court to  
720 adopt rules for the practice and procedure in all courts. The  
721 constitution further provides that a rule of court may be  
722 repealed by a general law enacted by a two-thirds vote of the  
723 membership of each house of the Legislature. This proposed  
724 constitutional amendment eliminates the requirement that the  
725 general law pass by a two-thirds vote of each house. The  
726 Legislature could repeal a rule of court by a general law  
727 approved by a majority vote of each house of the Legislature  
728 that expresses the policy behind the repeal. The court could  
729 readopt the rule in conformance with the expressed policy, but  
730 if the Legislature repeals the readopted rule, the proposed  
731 amendment prohibits the court from readopting the repealed rule.  
732 The Legislature will decide if a rule has been repealed twice.

733 The Judicial Qualifications Commission is an independent  
734 commission created by the State Constitution to investigate and  
735 prosecute before the Florida Supreme Court alleged misconduct by  
736 a justice or judge. Currently under the Constitution, commission  
737 proceedings are confidential until formal charges are filed by

Amendment No. 1

738 the investigative panel of the commission. Once formal charges  
739 are filed, the formal charges and all further proceedings of the  
740 commission are public. Currently the State Constitution  
741 authorizes the House of Representatives to impeach a justice or  
742 judge. Further, the Speaker of the House of Representatives may  
743 request, and the Judicial Qualifications Commission must make  
744 available, all information in the commission's possession for  
745 use in deciding whether to impeach a justice or judge. This  
746 proposed amendment requires the commission to make all of its  
747 files available to the Speaker of the House of Representatives,  
748 rather than just the file of a justice or judge under  
749 investigation by the House of Representatives. Such files shall  
750 maintain their confidentiality unless the House of  
751 Representatives initiates impeachment proceedings against a  
752 justice or judge, in which case the files related to that  
753 justice or judge may be open.

754 State appropriations are made annually by general law.  
755 Current law does not require any specific level of funding for  
756 any agency or department. This amendment requires that the  
757 courts be appropriated a minimum of 2.25 percent of General  
758 Revenue funding.

759 This amendment makes other conforming and modernizing  
760 changes to the constitution regarding the judicial system,  
761 including: removes the positions of clerk and marshal of the  
762 supreme court and the courts of appeal from the constitution;  
763 lowers the number of cabinet members required to petition the  
764 supreme court regarding disability of the Governor to conform to  
765 a prior change in the size of the cabinet; removes provisions

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766 related to the Governor's power to seek investigative files from  
767 the Judicial Qualifications Commission to conform to a prior  
768 change removing the Governor's power to suspend a judge;  
769 provides for transition to the new divisions; removes outdated  
770 schedules related to the Judicial Qualifications Commission; and  
771 makes conforming and technical changes in the judicial articles  
772 of the constitution.  
773

774 BE IT FURTHER RESOLVED that the following statement be  
775 placed on the ballot if a court declares the preceding statement  
776 defective and the decision of the court is not reversed:  
777

778 CONSTITUTIONAL AMENDMENT

779 ARTICLE III, SECTION 17

780 ARTICLE IV, SECTIONS 3 AND 10

781 ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14 AND 21  
782

783 Judiciary, proposing a revision of the Judicial Article of  
784 the Florida Constitution; reorganizing the Supreme Court into  
785 divisions; requiring Senate confirmation for appointment of a  
786 Supreme Court Justice; providing standards and procedures for  
787 legislative repeal of a court rule; providing a minimum level of  
788 court funding; allowing Legislative review of confidential files  
789 of the Judicial Qualifications Commission; and providing for  
790 transition.  
791

792 BE IT FURTHER RESOLVED that the following statement be  
793 placed on the ballot if a court declares the preceding

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794 statements defective and the decision of the court is not  
795 reversed:

796

797

CONSTITUTIONAL AMENDMENT

798

ARTICLE III, SECTION 17

799

ARTICLE IV, SECTIONS 3 AND 10

800

ARTICLE V, SECTIONS 2, 3, 4, 7, 11, 12, 14 AND 21

801

802

State Courts: Proposing an amendment to the State

803

Constitution regarding the courts; changing the authority of the

804

Legislature to repeal a court rule by 2/3 vote of the membership

805

of each house to a simple majority of each house; limiting the

806

Supreme Court's ability to readopt a rule repealed by the

807

legislature; replacing the current seven member supreme court

808

with two five-member divisions of the Supreme Court, one with

809

civil jurisdiction and one with criminal jurisdiction;

810

establishing a chief justice of the supreme courts that shall

811

serve as the chief administrative officer for the courts;

812

establishing a chief justice for the civil division of the

813

Supreme court; establishing a chief justice for the criminal

814

division of the Supreme Court; providing for the manner of

815

selection and term for the chief justice of each division of the

816

Supreme Court; changing the manner of designation and term of

817

office of the chief justice of the Supreme Court; providing that

818

a chief justice of a division of the Supreme Court is subject to

819

a retention vote every six years based on the term for retention

820

and subject to the eligibility as currently established in the

821

state Constitution; providing for manner of replacement of a

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822 chief justice of a division; providing for apportionment of  
823 current justices among the civil and criminal divisions of the  
824 supreme court; changing the requirements for a quorum from four  
825 to three as being necessary for a decision; providing authority  
826 and circumstances where the divisions of the Supreme Court may  
827 meet en banc; providing jurisdiction for each division of the  
828 Supreme Court, including matters which will be exclusive to each  
829 division; expanding the jurisdiction of the Supreme Court to  
830 include appeals from decisions of any district court of appeal  
831 that a division deems to be of great public importance;  
832 providing that the Legislature may further define the split of  
833 jurisdiction between civil and criminal matters; providing that  
834 the Chief Justice of the Supreme Court of Florida decides  
835 jurisdiction should both divisions claim jurisdiction over the  
836 same case; removing references to clerks and marshals; requiring  
837 Senate confirmation before a justice may take office; providing  
838 that if the Senate does not act within 90 days the nominee is  
839 deemed confirmed as a Justice; allowing the Senate to meet  
840 outside of regular session without having the House of  
841 Representatives convene at the same time; allowing Senate Rule  
842 to designate a committee that may confirm a nominee; deleting  
843 outdated references; requiring the Judicial Qualifications  
844 Commission to provide the House of Representatives access to  
845 records; providing for confidentiality of records; requiring a  
846 minimum level of funding for the judicial system; providing for  
847 transition; requiring the current Supreme Court to list its  
848 members by seniority in office; providing that the 3 most senior  
849 justices be assigned to the criminal division and the remaining

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850 justices assigned to the criminal division; providing time  
851 limits for appointments by the Governor for the remaining seats;  
852 providing an exception to Senate confirmation for initial  
853 appointments; requiring the Governor to name the initial chief  
854 justice of each division; providing that the initial chief  
855 justice of the civil division be named the Chief Justice of the  
856 Supreme Court of Florida; requiring that existing cases be split  
857 between the divisions; providing that cases decided before the  
858 split into divisions are final and not subject to rehearing or  
859 recall of the mandate; providing for the terms of the initial  
860 Chief Justices of the divisions; providing for adoption of court  
861 rules; allowing the Legislature by general law to further  
862 provide for transition; providing that the transition schedules  
863 may be deleted by general law when they have become outdated;  
864 amending provision on impeachment to conform; and providing that  
865 the civil division determines incapacity of the Governor upon  
866 petition of two cabinet members.

867

868

869

---

**T I T L E   A M E N D M E N T**

870

871 Remove the entire title and insert:

872 A joint resolution proposing amendments to Sections 2, 3, 4, 7,  
873 11, 12 and 14 of Article V, Section 17 of Article III, Sections  
874 3 and 10 of Article IV, and the creation of Section 21 of  
875 Article V, of the State Constitution to: create civil and  
876 criminal divisions of the Supreme Court; lower the vote  
877 necessary to repeal a court rule; limit readoption of a repealed



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878 court rule; provide for a chief justice of the supreme court of  
879 Florida; require senate confirmation of supreme court  
880 appointments; expand the jurisdiction of the supreme court of  
881 Florida; define the jurisdiction of the divisions; allow the  
882 house of representatives to review confidential files of the  
883 Judicial Qualifications Commission; require a minimum percentage  
884 of the state budget be appropriated to the court system; provide  
885 for transition; make conforming changes; and delete outdated  
886 text and references.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 7111 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

*favourable*  
*4.7.11*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative(s) Eisnaugle offered the following:

3  
4 **Amendment to Amendment (1) by Representative Eisnaugle**

5 Between lines 587 and 588, insert:

6 (g) The change in court funding at Article V, section 14(e)  
7 shall be effective commencing in FY 2013-2014.



Unfavorable  
4.7.11

HOUSE OF REPRESENTATIVES

Committee/~~Subcommittee~~

Judiciary

Date

4/7/11

Action

**HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY**

(may be used in Committee/Subcommittee, but **not** on House Floor)

Amendment No.

~~#~~ amd 2 to  
Strike-all

Amendment <sup>1 of</sup>  
Bill No. HRJ 7111

(Floor Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/~~The Committee/Subcommittee on~~

Steinberg

offered the following amendment:

Amendment:

on page

1

, line(s)

12-13

~~to~~ Delete lines 12 + 13 and insert  
rejection at the next general election.

Copy to Committee/Subcommittee Administrative Assistant



HOUSE OF REPRESENTATIVES

unfavorable  
4.7.11

Committee/Subcommittee Judiciary

Date 4/7/11 Action \_\_\_\_\_

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee/Subcommittee, but **not** on House Floor)

Amendment No. amend 3 to Strike all Amendment 1 to Bill No. 7111

(Floor Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Committee/Subcommittee on Steinberg

offered the following amendment: \_\_\_\_\_

Amendment:

on page 20, line(s) 531-536,

Delete lines 531-536 and insert:  
(1) On the first day after the election approving the amendment, the current justices then in office shall by seniority in service elect whether to be assigned to ~~service~~ the civil division or criminal division. No more than four of the current justices may elect to be assigned to either division of the Supreme Court.

Copy to Committee/Subcommittee Administrative Assistant

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7119 : District Courts of Appeal

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7121 : Offers of Settlement

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7131 : Seat Requirements

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7133 : Failure to Assist Officers at Polls

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 18</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM



# COMMITTEE MEETING REPORT

Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7137 : County-operated Boot Camp Programs

*Not Considered*

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7141 : Adulterated Syrup

*Not Considered*

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7143 : Public Health

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Daphne Campbell	X				
Eric Eisnaugle	X				
Matt Gaetz		X			
Tom Goodson	X				
Bill Hager	X				
Shawn Harrison	X				
John Julien	X				
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth	X				
Elaine Schwartz	X				
Darren Soto	X				
Richard Steinberg	X				
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 17</b>		<b>Total Nays: 1</b>			

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

# COMMITTEE MEETING REPORT

## Judiciary Committee

4/7/2011 8:00:00AM

Location: 404 HOB

HB 7199 : Supreme Court

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dennis Baxley	X				
Daphne Campbell		X			
Eric Eisnaugle	X				
Matt Gaetz	X				
Tom Goodson	X				
Bill Hager			X		
Shawn Harrison	X				
John Julien		X			
Charles McBurney	X				
Larry Metz	X				
Kathleen Passidomo	X				
Ray Pilon	X				
Ari Porth		X			
Elaine Schwartz		X			
Darren Soto		X			
Richard Steinberg		X			
W. Gregory Steube	X				
William Snyder (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 6</b>			

### Appearances:

HB 7199

Lile, Laird (General Public) - Information Only

3033 Riviera Dr

Naples FL 34103

Committee meeting was reported out: Thursday, April 07, 2011 1:45:03PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7199 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

*Favorable  
4.7.11*

1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative(s) Eisnaugle offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 25.025, Florida Statutes, is created to  
7 read:

8 25.025 Supreme Court divisions; jurisdiction.--

9 (1) The Supreme Court shall have a civil division and a  
10 criminal division. Each division shall have the jurisdiction as  
11 described in s. 3, Art. V of the State constitution.

12 (2) Pursuant to s. 3(c)(3), Art. V of the State  
13 constitution, the following types of cases are criminal cases:

14 (a) Any case or controversy primarily involving the  
15 commission of a felony or misdemeanor. It shall also include any  
16 case or controversy involving criminal law, criminal penalties,  
17 criminal procedure, juvenile delinquency, or any related action  
18 regarding the interpretation of or resolution of matters  
19 directly affecting the criminal law.

Amendment No. 1

20 (b) Equitable relief related to the criminal law, including  
21 where a party seeks to enjoin the application or form of a  
22 criminal penalty.

23 (c) Appeals from a military court martial.

24 (c) Any case filed by a prisoner under a penalty of death.

25 (d) Any criminal postconviction cases.

26 (e) Violation of a local ordinance where the imposition of  
27 a term of jail or prison is possible.

28 (f) Restitution ordered in a criminal case.

29 (g) Payment of fines, costs or fees imposed in a criminal  
30 case.

31 (3) Pursuant to s. 3(c)(3), Art. V of the State  
32 constitution, the following types of cases are civil cases  
33 unless the case involves a criminal offense:

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

37 (b) Civil confinement pursuant to chapter 394 or chapter  
38 397.

39 (c) Civil forfeiture or civil penalties resulting from  
40 criminal activity.

41 (d) Noncriminal offenses, including traffic, vessel, and  
42 environmental noncriminal offenses.

43 (e) State budgeting and finance.

44 (f) Public records and public meetings laws.

45 (g) Regulation of businesses and professions.

46 (h) Confinement for contempt of court.

47 (i) Consumer protection pursuant to chapter 501.

Amendment No. 1

48 Section 2. Section 25.031, Florida Statutes, is amended to  
49 read:

50 25.031 Supreme Court authorized to receive and answer  
51 certificates as to state law from federal appellate courts;  
52 collaborations with other courts.

53 (1) The Supreme Court of this state may, by rule of court,  
54 provide that, when it shall appear to the Supreme Court of the  
55 United States, to any circuit court of appeals of the United  
56 States, or to the Court of Appeals of the District of Columbia,  
57 that there are involved in any proceeding before it questions or  
58 propositions of the laws of this state, which are determinative  
59 of the said cause, and there are no clear controlling precedents  
60 in the decisions of the Supreme Court of this state, such  
61 federal appellate court may certify such questions or  
62 propositions of the laws of this state to the Supreme Court of  
63 this state for instructions concerning such questions or  
64 propositions of state law, which certificate the Supreme Court  
65 of this state, by written opinion, may answer.

66 (2) The supreme court of this state is authorized and  
67 empowered to collaborate with any and all other courts of last  
68 resort, of other states and of the United States, in the  
69 preparation and approval of uniform rules of court to make  
70 effective this and similar laws.

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

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

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

74 Section 6. Section 25.191, Florida Statutes, is amended to  
75 read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7199 (2011)

Amendment No. 1

76 25.191 Clerk of Supreme Court.—

77 (1) The Supreme Court shall appoint a Clerk of the Supreme  
78 Court, who shall hold office during the pleasure of the court.

79 (2) The clerk shall serve both divisions of the court.

80 (3) The clerk of the supreme court may appoint a deputy or  
81 deputies who, being duly sworn, may discharge all of the duties  
82 of the office of clerk during his or her absence. The clerk of  
83 the supreme court is responsible for the acts of any deputy.

84 (4) All books, papers, records, files, and the seal of the  
85 supreme court shall be kept in the office of the clerk of the  
86 supreme court and in the clerk's custody.

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

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

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

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

91 Section 11. Section 25.241, Florida Statutes, is amended  
92 to read:

93 ~~25. 241 Clerk of Supreme Court; compensation; assistants;~~  
94 ~~Filing fees; duties of the clerk of the supreme court, etc.—~~

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

97 ~~(2) The Clerk of the Supreme Court is authorized to employ~~  
98 ~~such deputies and clerical assistants as may be necessary. Their~~  
99 ~~number and compensation shall be approved by the court. The~~  
100 ~~compensation of such employees shall be paid from the annual~~  
101 ~~appropriation for the Supreme Court.~~

102 (1)(3)(a) The clerk of the supreme court is hereby  
103 required to collect, upon the filing of a certified copy of a



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7199 (2011)

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104 notice of appeal or petition, \$300 for each case docketed, and  
105 for copying, certifying, or furnishing opinions, records,  
106 papers, or other instruments, except as otherwise herein  
107 provided, the same fees that are allowed clerks of the circuit  
108 court; however, no fee shall be less than \$1. ~~The State of~~  
109 ~~Florida or its agencies, when appearing as appellant or~~  
110 ~~petitioner, is exempt from the filing fees required in this~~  
111 ~~subsection.~~ From each attorney appearing pro hac vice, the clerk  
112 of the supreme court shall collect an additional fee of \$100 ~~to~~  
113 ~~be deposited into the General Revenue Fund.~~

114 (b) Upon the filing of a notice of cross-appeal, or a  
115 notice of joinder or motion to intervene as an appellant, cross-  
116 appellant, or petitioner, the clerk of the supreme court shall  
117 charge and collect a filing fee of \$295.

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

122 (2)-(4) The clerk of the supreme court is hereby  
123 authorized, immediately after a case is disposed of, to supply  
124 the judge who tried the case and from whose order, judgment, or  
125 decree, appeal or other review is taken, and any court which  
126 reviewed it, a copy of all opinions, orders, or judgments filed  
127 in such case. Copies of opinions, orders, and decrees shall be  
128 furnished in all cases to each attorney of record; copies for  
129 publication in Florida reports shall be without charge; and  
130 copies furnished to the law book publishers shall be at one-half  
131 the regular statutory fee.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7199 (2011)

Amendment No. 1

132        ~~(3)-(5)~~ The clerk of the supreme court is hereby required  
133 to prepare a statement of all moneys ~~fees~~ collected each month  
134 and remit such statement, together with all moneys ~~fees~~  
135 collected by him or her, to the Chief Financial Officer. The  
136 Chief Financial Officer shall deposit \$250 of each \$300 filing  
137 fee and all other fees or moneys collected into the General  
138 Revenue Fund. The Chief Financial Officer shall deposit \$50 of  
139 each filing fee collected into the State Courts Revenue Trust  
140 Fund to fund court operations as authorized in the General  
141 Appropriations Act.

142        Section 12. Section 25.251, Florida Statutes, is amended  
143 to read:

144        25.251 Marshal of Supreme Court; appointment; training;  
145 process.—

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

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

152        (3) The marshal shall have the power to execute the  
153 process of the supreme court throughout the state, and in any  
154 county he or she may deputize the sheriff or a deputy sheriff  
155 for such purpose.

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

157        Section 14. Section 25.265, Florida Statutes, is created  
158 to read:

Amendment No. 1

159 25. 265 Supreme Court Building.—The Supreme Court Building  
160 shall be located at 2000 Drayton Drive, Tallahassee, Florida.

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

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

163 Section 17. Section 25.341, Florida Statutes, is amended  
164 to read:

165 25.341 Library of Supreme Court, custodian.—The library of  
166 the Supreme Court shall be in custody of the librarian appointed  
167 by the court, ~~who shall be subject to its direction.~~ Books for  
168 the library may be acquired by purchase or by exchange. The  
169 library may be located in a building other than the Supreme  
170 Court Building.

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

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

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

175 43.20 Judicial Qualifications Commission.—

176 (2) MEMBERSHIP; TERMS.—The commission shall consist of 15  
177 ~~13~~ members. The members of the commission shall serve for terms  
178 of 6 years.

179 Section 21. Paragraph (b) of subsection (2) of section  
180 215.32, Florida Statutes, is amended to read:

181 215.32 State funds; segregation.—

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

184 (b)1. The trust funds shall consist of moneys received by  
185 the state which under law or under trust agreement are  
186 segregated for a purpose authorized by law. The state agency or

## Amendment No. 1

187 | branch of state government receiving or collecting such moneys  
188 | shall be responsible for their proper expenditure as provided by  
189 | law. Upon the request of the state agency or branch of state  
190 | government responsible for the administration of the trust fund,  
191 | the Chief Financial Officer may establish accounts within the  
192 | trust fund at a level considered necessary for proper  
193 | accountability. Once an account is established within a trust  
194 | fund, the Chief Financial Officer may authorize payment from  
195 | that account only upon determining that there is sufficient cash  
196 | and releases at the level of the account.

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

200 |       a. Operations or operating trust fund, for use as a  
201 | depository for funds to be used for program operations funded by  
202 | program revenues, with the exception of administrative  
203 | activities when the operations or operating trust fund is a  
204 | proprietary fund.

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

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

212 |       d. Grants and donations trust fund, for use as a  
213 | depository for funds to be used for allowable grant or donor

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214 agreement activities funded by restricted contractual revenue  
215 from private and public nonfederal sources.

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

218 f. Clearing funds trust fund, for use as a depository for  
219 funds to account for collections pending distribution to lawful  
220 recipients.

221 g. Federal grant trust fund, for use as a depository for  
222 funds to be used for allowable grant activities funded by  
223 restricted program revenues from federal sources.

224

225 To the extent possible, each agency must adjust its internal  
226 accounting to use existing trust funds consistent with the  
227 requirements of this subparagraph. If an agency does not have  
228 trust funds listed in this subparagraph and cannot make such  
229 adjustment, the agency must recommend the creation of the  
230 necessary trust funds to the Legislature no later than the next  
231 scheduled review of the agency's trust funds pursuant to s.  
232 215.3206.

233 3. All such moneys are hereby appropriated to be expended  
234 in accordance with the law or trust agreement under which they  
235 were received, subject always to the provisions of chapter 216  
236 relating to the appropriation of funds and to the applicable  
237 laws relating to the deposit or expenditure of moneys in the  
238 State Treasury.

239 4.a. Notwithstanding any provision of law restricting the  
240 use of trust funds to specific purposes, unappropriated cash  
241 balances from selected trust funds may be authorized by the

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242 Legislature for transfer to the Budget Stabilization Fund and  
243 General Revenue Fund in the General Appropriations Act.

244 b. This subparagraph does not apply to trust funds  
245 required by federal programs or mandates; trust funds  
246 established for bond covenants, indentures, or resolutions whose  
247 revenues are legally pledged by the state or public body to meet  
248 debt service or other financial requirements of any debt  
249 obligations of the state or any public body; the State Courts  
250 Revenue Trust Fund; the Division of Licensing Trust Fund in the  
251 Department of Agriculture and Consumer Services; the State  
252 Transportation Trust Fund; the trust fund containing the net  
253 annual proceeds from the Florida Education Lotteries; the  
254 Florida Retirement System Trust Fund; trust funds under the  
255 management of the State Board of Education or the Board of  
256 Governors of the State University System, where such trust funds  
257 are for auxiliary enterprises, self-insurance, and contracts,  
258 grants, and donations, as those terms are defined by general  
259 law; trust funds that serve as clearing funds or accounts for  
260 the Chief Financial Officer or state agencies; trust funds that  
261 account for assets held by the state in a trustee capacity as an  
262 agent or fiduciary for individuals, private organizations, or  
263 other governmental units; and other trust funds authorized by  
264 the State Constitution.

265 Section 22. Section 272.04, Florida Statutes, is amended  
266 to read:

267 272.04 Department to allocate space.—The Department of  
268 Management Services shall have authority to allocate space to  
269 house the various departments, agencies, boards, and commissions

Amendment No. 1

270 in said buildings, excepting, however, the new Supreme Court  
 271 Building, for which authority shall be vested in the marshal of  
 272 the supreme court justices of the Supreme Court.

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

275 440.29 Procedure before the judge of compensation claims.—

276 (3) The practice and procedure before the judges of  
 277 compensation claims shall be governed by rules adopted by the  
 278 Office of the Judges of Compensation Claims Supreme Court,  
 279 except to the extent that such rules conflict with ~~the~~  
 280 ~~provisions of~~ this chapter.

281 Section 24. Contingent upon passage by the voters of HJR  
 282 7111 or SJR \_\_\_, there is hereby appropriated:

283 \$\_\_\_ for three additional Supreme Court Justices.

284 \$\_\_\_ for additional judicial assistants and other staff for  
 285 Supreme Court Justices.

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

291

292

293 -----

294

**T I T L E A M E N D M E N T**

295

Remove the entire title and insert:

296

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

297

providing for divisions of the supreme court and their

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7199 (2011)

Amendment No. 1

298 jurisdiction; amending s. 25.031, F.S.; authorizing  
299 collaboration with other courts; repealing s. 25.032, F.S.,  
300 relating to collaboration by the Supreme Court with other courts  
301 of last resort for development of uniform rules relating to  
302 certification of questions of law, rules, and regulations;  
303 repealing s. 25.051, F.S., relating to terms of the Supreme  
304 Court; repealing s. 25.151, F.S., relating to the practice of  
305 law by retired justices of the Supreme Court; amending s.  
306 25.191, F.S.; revising provisions relating to the clerk of the  
307 supreme court; repealing s. 25.201, F.S., relating to the  
308 appointment of a deputy clerk of the Supreme Court; repealing s.  
309 25.211, F.S., relating to the location of the Supreme Court  
310 clerk's office; repealing s. 25.221, F.S., relating to the  
311 custody of books, papers, records, files, and the seal of the  
312 Supreme Court; repealing s. 25.231, F.S., relating to the duties  
313 of the Supreme Court clerk; amending s. 25.241, F.S.; providing  
314 duties of the clerk of the supreme court; amending s. 25.251,  
315 F.S.; revising provisions relating to the marshall of the  
316 supreme court; repealing s. 25.262, F.S., relating to the  
317 Supreme Court marshal's power to execute the process of the  
318 court; creating s. 25.265, F.S.; providing for the location of  
319 the Supreme Court Building; repealing s. 25.281, F.S., relating  
320 to the compensation of the Supreme Court marshal; repealing s.  
321 25.291, F.S., relating to the deposit of fines for contempt of  
322 the Supreme Court; amending s. 25.341, F.S.; revising provisions  
323 relating to the supreme court library; repealing s. 25.351,  
324 F.S., relating to the acquisition of books for the library of  
325 the Supreme Court; repealing s. 25.371, F.S., relating to effect



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7199 (2011)

Amendment No. 1

326 of court rules; amending s. 43.20, F.S.; correcting a reference  
327 to the number of members of the judicial qualifications  
328 commission; amending s. 215.32, F.S.; including the State Courts  
329 Revenue Trust Fund in provisions relating to the segregation of  
330 trust funds; amending s. 272.04, F.S.; revising provisions  
331 relating to the allocation of space in the supreme court  
332 building; amending s. 440.29, F.S.; correcting a reference to  
333 the rules of practice and procedure before the judges of  
334 compensation claims; providing an appropriation; providing a  
335 contingent effective date.