

By Senator Stargel

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A bill to be entitled
An act relating to terms of courts; repealing s.
25.051, F.S., relating to regular terms of the Supreme
Court; repealing s. 26.21, F.S., relating to terms of
the circuit courts; repealing s. 26.22, F.S., relating
to terms of the First Judicial Circuit; repealing s.
26.23, F.S., relating to terms of the Second Judicial
Circuit; repealing s. 26.24, F.S., relating to terms
of the Third Judicial Circuit; repealing s. 26.25,
F.S., relating to terms of the Fourth Judicial
Circuit; repealing s. 26.26, F.S., relating to terms
of the Fifth Judicial Circuit; repealing s. 26.27,
F.S., relating to terms of the Sixth Judicial Circuit;
repealing s. 26.28, F.S., relating to terms of the
Seventh Judicial Circuit; repealing s. 26.29, F.S.,
relating to terms of the Eighth Judicial Circuit;
repealing s. 26.30, F.S., relating to terms of the
Ninth Judicial Circuit; repealing s. 26.31, F.S.,
relating to terms of the Tenth Judicial Circuit;
repealing s. 26.32, F.S., relating to terms of the
Eleventh Judicial Circuit; repealing s. 26.33, F.S.,
relating to terms of the Twelfth Judicial Circuit;
repealing s. 26.34, F.S., relating to terms of the
Thirteenth Judicial Circuit; repealing s. 26.35, F.S.,
relating to terms of the Fourteenth Judicial Circuit;
repealing s. 26.36, F.S., relating to terms of the
Fifteenth Judicial Circuit; repealing s. 26.361, F.S.,
relating to terms of the Sixteenth Judicial Circuit;
repealing s. 26.362, F.S., relating to terms of the

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Seventeenth Judicial Circuit; repealing s. 26.363, F.S., relating to terms of the Eighteenth Judicial Circuit; repealing s. 26.364, F.S., relating to terms of the Nineteenth Judicial Circuit; repealing s. 26.365, F.S., relating to terms of the Twentieth Judicial Circuit; repealing s. 26.37, F.S., relating to requiring a judge to attend the first day of each term of the circuit court; repealing s. 26.38, F.S., relating to a requirement for a judge to state a reason for nonattendance; repealing s. 26.39, F.S., relating to the penalty for nonattendance of the judge; repealing s. 26.40, F.S., relating to adjournment of the circuit court upon nonattendance of the judge; repealing s. 26.42, F.S., relating to calling all cases on the docket at the end of each term; repealing s. 35.10, F.S., relating to regular terms of the district courts of appeal; repealing s. 35.11, F.S., relating to special terms of the district courts of appeal; repealing s. 907.05, F.S., relating to a requirement that criminal trials be heard in the term of court before civil cases; repealing s. 907.055, F.S., relating to a requirement that persons in custody be arraigned and tried in the term of court unless good cause is shown; amending ss. 26.46, 27.04, 30.12, 30.15, 34.13, 35.05, and 38.23, F.S.; conforming provisions to changes made by the act; creating s. 43.43, F.S.; allowing the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts; creating s.

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43.44, F.S.; authorizing appellate courts to withdraw a mandate within 120 days after its issuance; amending ss. 112.19, 206.215, 450.121, 831.10, 831.17, 877.08, 902.19, 903.32, 905.01, 905.09, 905.095, 914.03, 924.065, and 932.47, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 25.051, 26.21, 26.22, 26.23, 26.24, 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33, 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365, 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05, and 907.055, Florida Statutes, are repealed.

Section 2. Section 26.46, Florida Statutes, is amended to read:

26.46 Jurisdiction of resident judge after assignment.—~~If when~~ a circuit judge is assigned to another circuit, none of the circuit judges in that ~~such~~ other circuit shall, because of the ~~such~~ assignment, be deprived of or affected in his or her jurisdiction other than to the extent essential so as not to conflict with the authority of the temporarily assigned circuit judge as to the particular case or cases or class of cases, ~~or in presiding at the particular term or part of term named or specified in the assignment.~~

Section 3. Section 27.04, Florida Statutes, is amended to read:

27.04 Summoning and examining witnesses for state.—The state attorney shall have summoned all witnesses required on

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88 behalf of the state; and he or she is allowed the process of his
89 or her court to summon witnesses from throughout the state to
90 appear before the state attorney ~~in or out of term time~~ at such
91 convenient places in the state attorney's judicial circuit and
92 at such convenient times as may be designated in the summons, to
93 testify before him or her as to any violation of the law upon
94 which they may be interrogated, and he or she is empowered to
95 administer oaths to all witnesses summoned to testify by the
96 process of his or her court or who may voluntarily appear before
97 the state attorney to testify as to any violation or violations
98 of the law.

99 Section 4. Section 30.12, Florida Statutes, is amended to
100 read:

101 30.12 Power to appoint sheriff.—~~If whenever~~ any sheriff in
102 the state fails ~~shall fail~~ to attend, in person or by deputy,
103 ~~any term of~~ the circuit court or county court of the county,
104 from sickness, death, or other cause, the judge attending the
105 ~~said~~ court may appoint an interim a sheriff, who shall assume
106 all the responsibilities, perform all the duties, and receive
107 the same compensation as if he or she had been duly appointed
108 sheriff, ~~for only the said term of nonattendance court~~ and no
109 longer.

110 Section 5. Paragraph (c) of subsection (1) of section
111 30.15, Florida Statutes, is amended to read:

112 30.15 Powers, duties, and obligations.—

113 (1) Sheriffs, in their respective counties, in person or by
114 deputy, shall:

115 (c) Attend all sessions ~~terms~~ of the circuit court and
116 county court held in their counties.

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Section 6. Subsection (2) of section 34.13, Florida Statutes, is amended to read:

34.13 Method of prosecution.—

(2) Upon the finding of indictments by the grand jury for crimes cognizable by the county court, the clerk of the court, without any order therefor, shall docket the same on the trial docket of the county court ~~on or before the first day of its next succeeding term.~~

Section 7. Subsection (2) of section 35.05, Florida Statutes, is amended to read:

35.05 Headquarters.—

(2) A district court of appeal may designate other locations within its district as branch headquarters for the conduct of the business of the court ~~in special or regular term~~ and as the official headquarters of its officers or employees pursuant to s. 112.061.

Section 8. Section 38.23, Florida Statutes, is amended to read:

38.23 Contempt ~~Contempts~~ defined.—A refusal to obey any legal order, mandate or decree, made or given by any judge ~~either in term time or in vacation~~ relative to any of the business of ~~the said court~~, after due notice thereof, ~~is shall~~ be considered a contempt, punishable ~~and punished~~ accordingly. ~~But nothing said or written, or published, in vacation, to or of any judge, or of any decision made by a judge, shall in any case be construed to be a contempt.~~

Section 9. Section 43.43, Florida Statutes, is created to read:

43.43 Terms of courts.—The Supreme Court may establish

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146 terms of court for the Supreme Court, the district courts of
147 appeal, and the circuit courts; may authorize district courts of
148 appeal and circuit courts to establish their own terms of court;
149 or may dispense with terms of court.

150 Section 10. Section 43.44, Florida Statutes, is created to
151 read:

152 43.44 Mandate of an appeals court.—An appellate court may,
153 as the circumstances and justice of the case may require,
154 reconsider, revise, reform, or modify its own opinions and
155 orders for the purpose of making the same accord with law and
156 justice. Accordingly, an appellate court may recall its own
157 mandate for the purpose of allowing it to exercise such
158 jurisdiction and power in a proper case. A mandate may not be
159 recalled more than 120 days after it has been issued.

160 Section 11. Paragraph (b) of subsection (1) of section
161 112.19, Florida Statutes, is amended to read:

162 112.19 Law enforcement, correctional, and correctional
163 probation officers; death benefits.—

164 (1) Whenever used in this section, the term:

165 (b) "Law enforcement, correctional, or correctional
166 probation officer" means any officer as defined in s. 943.10(14)
167 or employee of the state or any political subdivision of the
168 state, including any law enforcement officer, correctional
169 officer, correctional probation officer, state attorney
170 investigator, or public defender investigator, whose duties
171 require such officer or employee to investigate, pursue,
172 apprehend, arrest, transport, or maintain custody of persons who
173 are charged with, suspected of committing, or convicted of a
174 crime; and the term includes any member of a bomb disposal unit

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175 whose primary responsibility is the location, handling, and
176 disposal of explosive devices. The term also includes any full-
177 time officer or employee of the state or any political
178 subdivision of the state, certified pursuant to chapter 943,
179 whose duties require such officer to serve process or to attend
180 a session ~~terms~~ of a circuit or county court as bailiff.

181 Section 12. Subsection (2) of section 206.215, Florida
182 Statutes, is amended to read:

183 206.215 Costs and expenses of proceedings.—

184 (2) The clerks of the courts performing duties under the
185 provisions aforesaid shall receive the same fees as prescribed
186 by the general law for the performance of similar duties, and
187 witnesses attending any investigation pursuant to subpoena shall
188 receive the same mileage and per diem as if attending as a
189 witness before the circuit court ~~in term time~~.

190 Section 13. Subsection (4) of section 450.121, Florida
191 Statutes, is amended to read:

192 450.121 Enforcement of Child Labor Law.—

193 (4) Grand juries ~~shall~~ have inquisitorial powers to
194 investigate violations of this chapter; also, trial court judges
195 shall specially charge the grand jury, ~~at the beginning of each~~
196 ~~term of the court,~~ to investigate violations of this chapter.

197 Section 14. Section 831.10, Florida Statutes, is amended to
198 read:

199 831.10 Second conviction of uttering forged bills.—A person
200 previously ~~Whoever, having been~~ convicted of violating the
201 ~~offense mentioned in s. 831.09~~ who is again convicted of that
202 ~~the like~~ offense committed after the former conviction, and on
203 ~~whoever is at the same term of the court convicted upon three~~

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distinct charges of such offense committed within a 6-month
period, shall be deemed a common utterer of counterfeit bills,
and shall be punished as provided in s. 775.084.

Section 15. Section 831.17, Florida Statutes, is amended to
read:

831.17 Violation of s. 831.16; second or subsequent
conviction.—A person previously ~~Whoever having been~~ convicted of
violating either of the offenses mentioned in s. 831.16 who, is
again convicted of violating that statute ~~either of the same~~
~~offenses~~, committed after the former conviction on, and ~~whoever~~
~~is at the same term of the court convicted upon~~ three distinct
charges of such offense committed within a 6-month period ~~said~~
~~offenses~~, commits a felony of the second degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Subsection (4) of section 877.08, Florida
Statutes, is amended to read:

877.08 Coin-operated vending machines and parking meters;
defined; prohibited acts, penalties.—

(4) Whoever violates ~~the provisions of~~ subsection (3) a
second or subsequent time commits, ~~and is convicted of such~~
~~second separate offense, either at the same term or a subsequent~~
~~term of court, shall be guilty of~~ a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Subsection (1) of section 902.19, Florida
Statutes, is amended to read:

902.19 When prosecutor liable for costs.—

(1) If ~~When~~ a person makes a complaint before a county
court judge that a crime has been committed and is recognized by
the county court judge to appear before ~~at the next term of the~~

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233 court having jurisdiction to give evidence of the crime and
234 fails to appear, the person is ~~shall be~~ liable for all costs
235 occasioned by his or her complaint, and the county court judge
236 may enter ~~obtain~~ a judgment and execution for the costs as in
237 other cases.

238 Section 18. Subsection (2) of section 903.32, Florida
239 Statutes, is amended to read:

240 903.32 Defects in bond.—

241 (2) If no day, or an impossible day, is stated in a bond
242 for the defendant's appearance before a trial court judge for a
243 hearing or trial, the defendant shall be bound to appear 10 days
244 after receipt of notice to appear by the defendant, the
245 defendant's counsel, or any surety on the undertaking. ~~If no~~
246 ~~day, or an impossible day, is stated in a bond for the~~
247 ~~defendant's appearance for trial, the defendant shall be bound~~
248 ~~to appear on the first day of the next term of court that will~~
249 ~~commence more than 3 days after the undertaking is given.~~

250 Section 19. Section 905.01, Florida Statutes, is amended to
251 read:

252 905.01 Number and procurement of grand jury; replacement of
253 member; term of grand jury.—

254 (1) The grand jury shall consist of no ~~not~~ fewer than 15,
255 but no ~~nor~~ more than 21 persons. The ~~provisions of~~ law governing
256 the qualifications, disqualifications, excusals, drawing,
257 summoning, supplying deficiencies, compensation, and procurement
258 of petit jurors apply to grand jurors. In addition, an elected
259 public official is not eligible for service on a grand jury.

260 (2) The chief judge of any circuit court may provide for
261 the replacement of any grand juror who, for good cause, is

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unable to complete the term of the grand jury. Such replacement shall be made by appropriate order of the chief judge from the list of prospective jurors from which the grand juror to be replaced was selected.

(3) The chief judge of each ~~any~~ circuit court shall regularly order ~~may dispense with~~ the convening of the grand jury for a at any term of 6 months ~~court by filing a written order with the clerk of court directing that a grand jury not be summoned.~~

Section 20. Section 905.09, Florida Statutes, is amended to read:

905.09 Discharge and recall of grand jury.—A grand jury that has been dismissed may be recalled at any time during the ~~same~~ term of the grand jury ~~court~~.

Section 21. Section 905.095, Florida Statutes, is amended to read:

905.095 Extension of grand jury term.—Upon petition of the state attorney or the foreperson of the grand jury acting on behalf of a majority of the grand jurors, the circuit court may extend the term of a grand jury impaneled under this chapter beyond the term ~~of court~~ in which it was originally impaneled. A grand jury whose term has been extended as provided under this section ~~herein~~ shall have the same composition and the same powers and duties it had during its original term. If ~~In the event~~ the term of the grand jury is extended under this section, it shall be extended for a time certain, not to exceed a total of 90 days, and only for the purpose of concluding one or more specified investigative matters initiated during its original term.

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291 Section 22. Section 914.03, Florida Statutes, is amended to
292 read:

293 914.03 Attendance of witnesses.—A witness summoned by a
294 grand jury ~~or in a criminal case~~ shall remain in attendance
295 until excused by the grand jury. A witness summoned in a
296 criminal case shall remain available for attendance until the
297 case for which he or she was summoned is disposed of or until he
298 or she is excused by the court. A witness who departs without
299 permission of the court shall be in criminal contempt of court.
300 ~~A witness shall attend each succeeding term of court until the~~
301 ~~case is terminated.~~

302 Section 23. Subsection (2) of section 924.065, Florida
303 Statutes, is amended to read:

304 924.065 Denial of motion for new trial or arrest of
305 judgment; appeal bond; supersedeas.—

306 (2) An appeal may ~~shall~~ not be a supersedeas to the
307 execution of the judgment, sentence, or order until the
308 appellant has entered into a bond with at least two sureties to
309 secure the payment of the judgment, fine, and any future costs
310 that may be adjudged by the appellate court. The bond shall be
311 conditioned on the appellant's personally answering and abiding
312 by the final order, sentence, or judgment of the appellate court
313 and, if the action is remanded, on the appellant's appearing
314 before ~~at the next term of~~ the court in which the case was
315 originally determined and not departing without leave of court.

316 Section 24. Section 932.47, Florida Statutes, is amended to
317 read:

318 932.47 Informations filed by prosecuting attorneys.—
319 Informations may be filed by the prosecuting attorney of the

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320 circuit court with the clerk of the circuit court ~~in vacation or~~
321 ~~in term~~ without leave of the court first being obtained.

322 Section 25. This act shall take effect January 1, 2014.