

1 A bill to be entitled
 2 An act relating to the judiciary; repealing s. 25.051,
 3 F.S., relating to regular terms of the Supreme Court;
 4 repealing s. 26.21, F.S., relating to terms of the circuit
 5 courts; repealing s. 26.22, F.S., relating to terms of the
 6 First Judicial Circuit; repealing s. 26.23, F.S., relating
 7 to terms of the Second Judicial Circuit; repealing s.
 8 26.24, F.S., relating to terms of the Third Judicial
 9 Circuit; repealing s. 26.25, F.S., relating to terms of
 10 the Fourth Judicial Circuit; repealing s. 26.26, F.S.,
 11 relating to terms of the Fifth Judicial Circuit; repealing
 12 s. 26.27, F.S., relating to terms of the Sixth Judicial
 13 Circuit; repealing s. 26.28, F.S., relating to terms of
 14 the Seventh Judicial Circuit; repealing s. 26.29, F.S.,
 15 relating to terms of the Eighth Judicial Circuit;
 16 repealing s. 26.30, F.S., relating to terms of the Ninth
 17 Judicial Circuit; repealing s. 26.31, F.S., relating to
 18 terms of the Tenth Judicial Circuit; repealing s. 26.32,
 19 F.S., relating to terms of the Eleventh Judicial Circuit;
 20 repealing s. 26.33, F.S., relating to terms of the Twelfth
 21 Judicial Circuit; repealing s. 26.34, F.S., relating to
 22 terms of the Thirteenth Judicial Circuit; repealing s.
 23 26.35, F.S., relating to terms of the Fourteenth Judicial
 24 Circuit; repealing s. 26.36, F.S., relating to terms of
 25 the Fifteenth Judicial Circuit; repealing s. 26.361, F.S.,
 26 relating to terms of the Sixteenth Judicial Circuit;
 27 repealing s. 26.362, F.S., relating to terms of the
 28 Seventeenth Judicial Circuit; repealing s. 26.363, F.S.,

29 relating to terms of the Eighteenth Judicial Circuit;
 30 repealing s. 26.364, F.S., relating to terms of the
 31 Nineteenth Judicial Circuit; repealing s. 26.365, F.S.,
 32 relating to terms of the Twentieth Judicial Circuit;
 33 repealing s. 26.37, F.S., relating to requiring a judge to
 34 attend the first day of each term of the circuit court;
 35 repealing s. 26.38, F.S., relating to requiring a judge to
 36 state a reason for nonattendance; repealing s. 26.39,
 37 F.S., relating to penalty for nonattendance of judge;
 38 repealing s. 26.40, F.S., relating to adjournment of the
 39 circuit court upon nonattendance of the judge; repealing
 40 s. 26.42, F.S., relating to calling all cases on the
 41 docket at the end of each term; repealing s. 35.10, F.S.,
 42 relating to regular terms of the district courts of
 43 appeal; repealing s. 35.11, F.S., relating to special
 44 terms of the district courts of appeal; repealing s.
 45 907.05, F.S., relating to a requirement that criminal
 46 trials be heard in the term of court prior to civil cases;
 47 repealing s. 907.055, F.S., relating to a requirement that
 48 persons in custody be arraigned and tried in the term of
 49 court unless good cause is shown; amending s. 26.46, F.S.;
 50 removing reference to terms of court in statute on
 51 temporary assignment of judges; amending s. 30.12, F.S.;
 52 removing reference to terms of court in statute relating
 53 to the power of the court to appoint an interim sheriff;
 54 amending s. 30.15, F.S.; removing reference to terms of
 55 court in statute relating to the duties of the sheriff;
 56 creating s. 43.43, F.S.; allowing the Supreme Court to set

57 terms of court for the Supreme Court, district courts of
 58 appeal, and circuit courts; creating s. 43.44, F.S.;
 59 providing that appellate courts may withdraw a mandate
 60 within 120 days of its issuance; amending s. 831.17, F.S.;
 61 removing reference to terms of court in statute on
 62 counterfeit coins; amending s. 877.08, F.S.; removing
 63 reference to terms of court in statute on coin-operated
 64 vending machines and parking meters; amending s. 903.32,
 65 F.S.; removing reference to terms of court in statute on
 66 appearance bonds; amending s. 905.01, F.S.; providing for
 67 terms of the grand juries; amending s. 905.09, F.S.;
 68 removing reference to terms of court in statute on
 69 discharge of a grand jury; amending s. 905.095, F.S.;
 70 removing reference to terms of court in statute on
 71 extending the term of a grand jury; amending s. 914.03,
 72 F.S.; removing reference to terms of court in statute on
 73 appearance of a witness; providing an effective date.

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

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77 Section 1. Sections 25.051, 26.21, 26.22, 26.23, 26.24,
 78 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33,
 79 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365,
 80 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05 and
 81 907.055, Florida Statutes, are repealed.

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

84 26.46 Jurisdiction of resident judge after assignment.—

85 When a circuit judge is assigned to another circuit, none of the
 86 circuit judges in such other circuit shall, because of such
 87 assignment, be deprived of or affected in his or her
 88 jurisdiction other than to the extent essential so as not to
 89 conflict with the authority of the temporarily assigned circuit
 90 judge as to the particular case or cases or class of cases, ~~or~~
 91 ~~in presiding at the particular term or part of term named or~~
 92 ~~specified in the assignment.~~

93 Section 3. Section 30.12, Florida Statutes, is amended to
 94 read:

95 30.12 Power to appoint sheriff.—Whenever any sheriff in
 96 the state shall fail to attend, in person or by deputy, ~~any term~~
 97 ~~of~~ the circuit court or county court of the county, from
 98 sickness, death, or other cause, the judge attending said court
 99 may appoint an interim a sheriff, who shall assume all the
 100 responsibilities, perform all the duties, and receive the same
 101 compensation as if he or she had been duly appointed sheriff,
 102 for only the said term of nonattendance ~~court~~ and no longer.

103 Section 4. Paragraph (c) of subsection (1) of section
 104 30.15, Florida Statutes, is amended to read:

105 30.15 Powers, duties, and obligations.—

106 (1) Sheriffs, in their respective counties, in person or by
 107 deputy, shall:

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

110 Section 5. Section 43.43, Florida Statutes, is created to
 111 read:

112 43.43 Terms of courts.—The Supreme Court may establish
 113 terms of court for the Supreme Court, the district courts of
 114 appeals and the circuit courts, may provide that district courts
 115 and circuit courts may establish their own terms of court, or
 116 may dispense with terms of court.

117 Section 6. Section 43.44, Florida Statutes, is created to
 118 read:

119 43.44 Mandate of a appeals court.—An appellate court has
 120 the jurisdiction and power, as the circumstances and justice of
 121 the case may require, to reconsider, revise, reform, or modify
 122 its own judgments for the purpose of making the same accord with
 123 law and justice. Accordingly, an appellate court has the power
 124 to recall its own mandate for the purpose of enabling it to
 125 exercise such jurisdiction and power in a proper case. No
 126 mandate may be recalled more than 120 days after it is filed
 127 with the lower tribunal.

128 Section 7. Section 831.17, Florida Statutes, is amended to
 129 read:

130 831.17 Violation of s. 831.16; second conviction.—Whoever
 131 having been convicted of either of the offenses mentioned in s.
 132 831.16, is again convicted of either of the same offenses,
 133 committed after the former conviction, ~~and whoever is at the~~
 134 ~~same term of the court convicted upon three distinct charges of~~
 135 ~~said offenses,~~ commits a felony of the second degree, punishable
 136 as provided in s. 775.082, s. 775.083, or s. 775.084.

137 Section 8. Subsection (4) of section 877.08, Florida
 138 Statutes, is amended to read:

139 877.08 Coin-operated vending machines and parking meters;
 140 defined; prohibited acts, penalties.-

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

146 Section 9. Subsection (2) of section 903.32, Florida
 147 Statutes, is amended to read:

148 903.32 Defects in bond.-

149 (2) If no day, or an impossible day, is stated in a bond
 150 for the defendant's appearance before a trial court judge for a
 151 hearing or trial, the defendant shall be bound to appear 10 days
 152 after receipt of notice to appear by the defendant, the
 153 defendant's counsel, or any surety on the undertaking. ~~If no~~
 154 ~~day, or an impossible day, is stated in a bond for the~~
 155 ~~defendant's appearance for trial, the defendant shall be bound~~
 156 ~~to appear on the first day of the next term of court that will~~
 157 ~~commence more than 3 days after the undertaking is given.~~

158 Section 10. Subsection (3) of section 905.01, Florida
 159 Statutes, is amended to read:

160 905.01 Number and procurement of grand jury; replacement
 161 of member; term of grand jury.-

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

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167 Section 11. Section 905.09, Florida Statutes, is amended
 168 to read:

169 905.09 Discharge and recall of grand jury.—A grand jury
 170 that has been dismissed may be recalled at any time during the
 171 ~~same~~ term of the grand jury court.

172 Section 12. Section 905.095, Florida Statutes, is amended
 173 to read:

174 905.095 Extension of grand jury term.—Upon petition of the
 175 state attorney or the foreperson of the grand jury acting on
 176 behalf of a majority of the grand jurors, the circuit court may
 177 extend the term of a grand jury impaneled under this chapter
 178 beyond the term ~~of court~~ in which it was originally impaneled. A
 179 grand jury whose term has been extended as provided herein shall
 180 have the same composition and the same powers and duties it had
 181 during its original term. In the event the term of the grand
 182 jury is extended under this section, it shall be extended for a
 183 time certain, not to exceed a total of 90 days, and only for the
 184 purpose of concluding one or more specified investigative
 185 matters initiated during its original term.

186 Section 13. Section 914.03, Florida Statutes, is amended
 187 to read:

188 914.03 Attendance of witnesses.—A witness summoned by a
 189 grand jury ~~or in a criminal case~~ shall remain in attendance
 190 until excused by the grand jury. A witness summoned in a
 191 criminal case shall remain in attendance until excused by the
 192 court. A witness who departs without permission of the court
 193 shall be in criminal contempt of court. ~~A witness shall attend~~
 194 ~~each succeeding term of court until the case is terminated.~~

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Section 14. This act shall take effect January 1, 2012.

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