

TITLE V

JUDICIAL BRANCH

CHAPTER 25

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25.021 Terms of office.—The term of office of each of the justices of the Supreme Court, when elected for a full term, shall commence on the first Tuesday after the first Monday in January next succeeding the election.
History.—s. 1, ch. 57–274.

25.031 Supreme Court authorized to receive and answer certificates as to state law from federal appellate courts.—The Supreme Court of this state may, by rule of court, provide that, when it shall appear to the Supreme Court of the United States, to any circuit court of appeals of the United States, or to the Court of Appeals of the District of Columbia, that there are involved in any proceeding before it questions or propositions of the laws of this state, which are determinative of the said cause, and there are no clear controlling precedents in the decisions of the Supreme Court of this state, such federal appellate court may certify such questions or propositions of the laws of this state to the Supreme Court of this state for instructions concerning such questions or propositions of state law, which certify the Supreme Court of this state, by written opinion, may answer.
History.—s. 1, ch. 23098, 1945; s. 1, ch. 57–274.

25.032 Certification of questions of law; rules and regulations.—The Supreme Court of this state is hereby authorized and empowered to collaborate with any and all other courts of last resort, of other states and of the United States, in the preparation and approval of uniform rules of court to make effective this and similar laws.
History.—s. 2, ch. 23098, 1945; s. 1, ch. 57–274.

25.041 Power to execute its judgments, decrees, and determinations.—
(1) The Supreme Court is vested with all the power and authority necessary for carrying into complete execution all its judgments, decrees and determinations in the matters before it, agreeable to the usage and principles of law.

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

History.—s. 1, ch. 57-274; (2) formerly s. 6, Art. XVI of the Constitution of 1885, as amended; converted to statutory law by s. 10, Art. XII of the Constitution as revised in 1968.

25.051 Regular terms.—The Supreme Court shall hold two terms in each year, in the Supreme Court Building, commencing respectively on the first day of January and July, providing, that if such day be a Sunday or legal holiday, then on the first subsequent day which is not a Sunday or legal holiday.

History.—s. 1, ch. 57-274.

25.073 Retired justices or judges assigned to temporary duty; additional compensation; appropriation.

(1) For purposes of this section, the term "retired justice" or "retired judge" means any former justice or judge who:

(a) Has not been defeated in seeking reelection to, or has not failed to be retained in seeking retention in, his or her last judicial office; and

(b) Is not engaged in the practice of law.

(2) Any retired justice of the Supreme Court or retired judge of a district court of appeal or circuit or county court assigned to temporary duty in any of such courts, pursuant to Art. V of the State Constitution, shall be compensated as follows:

(a) Any such justice or judge shall be paid not less than \$200 for each day or portion of a day that such justice or judge is assigned to temporary duty; however, no such justice or judge may serve for more than 60 days in any year without the approval of the Chief Justice.

(b) Necessary travel expense incident to the performance of duties required by assignment of such justice or judge to temporary duty shall be paid by the state in accordance with the provisions of s. 112.061.

(3) Payments required under this section shall be made from moneys to be appropriated for this purpose.

History.—s. 1, ch. 63-538; s. 1, ch. 77-282; s. 1, ch. 78-169; s. 3, ch. 79-377; s. 1, ch. 80-221; s. 18, ch. 81-259; s. 4, ch. 83-260; s. 1, ch. 84-306; s. 2, ch. 87-224; s. 1, ch. 88-287; s. 1, ch. 91-256; s. 93, ch. 95-147.

25.074 Assignment of judges to geographical areas.—In addition to powers granted by s. 20(c)(9) of revised Art. V, State Constitution, the Supreme Court may, by rule, require a circuit or county court judge regularly to perform his or her services in a certain county or geographical area within the territorial jurisdiction of his or her court. Until repealed by Supreme Court rule, the statutory residence requirements in existence on April 26, 1972, shall control.

History.—s. 6, ch. 72-406; s. 94, ch. 95-147.

25.075 Uniform case reporting system.—

(1) The Supreme Court shall develop a uniform case reporting system, including a uniform means of reporting categories of cases, time required in the disposition of cases, and manner of disposition of cases.

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

(3) The Auditor General shall audit the reports made to the Supreme Court in accordance with the uniform system established by the Supreme Court.

History.—s. 5, ch. 72-406; s. 95, ch. 95-147.

25.081 Seal.—The seal of the Supreme Court shall be provided by rules of that court.

History.—s. 1, ch. 57-274.

25.101 Retirement of justices with pay.—Whenever any justice of the Supreme Court of Florida has attained the age of 65 years or more, and has been a justice of said Supreme Court under commission as such justice for a period of 20 years or more consecutively, such justice may voluntarily resign and retire from office as such justice with the right to be paid, and the justice shall be paid on his or her own requisition, during the remainder of his or her natural life, the full amount of the annual or monthly salary then, or from time to time, provided by law to be paid to the other justices of said court in office; and sufficient money to meet the requirements of this section is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated.

History.—s. 1, ch. 57-274; s. 96, ch. 95-147.

25.112 Right to retire; retirement pay.—Any justice of the Supreme Court of Florida who shall have served as a circuit judge of the state and as a justice of said Supreme Court for an aggregate period of 20 years or more and shall have elected to take the benefits of this law in accordance with the terms and provisions hereof, may resign and retire, or either, from office as such justice with the right to be paid, and the justice shall be paid, on his or her own requisition, during the remainder of his or her natural life, from the Supreme Court Justices' Retirement Trust Fund herein established, two-thirds of the annual or monthly salary then, or from time to time thereafter, provided by law to be paid to the other justices of said court in office.

History.—s. 1, ch. 57-274; s. 2, ch. 61-119; s. 97, ch. 95-147.

25.122 Notice by justice taking advantage of act; deductions from salary.—Any justice of the Supreme Court who may decide to take advantage of this law shall, within 90 days after this law takes effect, notify the Comptroller and the Treasurer to that effect, and thenceforward, so long as such justice shall hold office, 2 percent shall be deducted from each installment of salary of such justice, and said amount so deducted shall be deposited into a special fund hereby established in the State Treasury to be known as the Supreme Court Justices' Retirement Trust Fund. Any person who may hereafter qualify as justice of the Supreme Court shall be entitled to the benefits of this law upon giving notice to the Comptroller and the Treasurer within 90 days after taking office; and after the giving of such notice, so long as such justice shall hold office, 2 percent shall be deducted from each installment of salary of such justice, and said amount so deducted shall be deposited into said Supreme Court Justices' Retirement Trust Fund.

History.—s. 2, ch. 23645, 1947; s. 1, ch. 57-274; s. 2, ch. 61-119; s. 19, ch. 81-259.

25.131 Annual appropriations.—There is hereby appropriated annually and shall be paid into said Supreme Court Justices' Retirement Trust Fund out of any funds in the State Treasury not otherwise appropriated sufficient money to meet the requirements of this law, taking into account the sum paid into said Supreme Court Justices' Retirement Trust Fund under s. 25.122.

History.—s. 1, ch. 57-274; s. 2, ch. 61-119.

25.141 Rights under law for retirement of circuit judges.—Nothing in this law shall affect any rights that a circuit judge subsequently becoming a justice of the Supreme Court may have theretofore acquired or may thereafter acquire under provisions of law, or any reenactments thereof or amendments thereto, prior to the time that he or she retires from the Supreme Court; provided, however, that no person while accepting retirement compensation under the terms and provisions hereof shall at the same time receive retirement compensation under any other law.

History.—s. 1, ch. 57-274; s. 98, ch. 95-147.

25.151 Practice of law.—No justice of the Supreme Court of Florida drawing retirement compensation as provided by any law shall engage in the practice of law.

History.—s. 1, ch. 57-274.

25.161 Rights under other laws.—Nothing herein contained shall affect the rights or status of any person under any other law who has heretofore resigned or retired or may hereafter resign or retire from the Supreme Court of Florida; and the provisions of s. 25.101 shall be preserved and remain in full force and effect.

History.—s. 1, ch. 57-274.

25.181 Record of territorial court of appeals.—The files, rolls and books of record of the courts of appeals of the late Territory of Florida, so far as the same, by the concurrence of the Congress and of the Legislature of this state, may relate to matters of appropriate state authority and jurisdiction, are placed in the custody and under the control of the Supreme Court of this state, and are files, rolls and records of the said Supreme Court; and the said court may lawfully have and exercise such judicial cognizance and power over them as it may lawfully have and exercise over its own files, rolls and records.

History.—s. 1, ch. 57-274.

25.191 Clerk of Supreme Court.—The Supreme Court shall appoint a Clerk of the Supreme Court, who shall hold office during the pleasure of the court.

History.—s. 1, ch. 57-274; ss. 10, 35, ch. 69-106; s. 99, ch. 95-147; s. 1, ch. 95-325.

25.201 Deputy clerk of Supreme Court.—The clerk may appoint a deputy, who, being duly sworn, may discharge all the duties of the office of clerk during his or her absence. The clerk shall in all cases be responsible for the acts of such deputy.

History.—s. 1, ch. 57-274; s. 100, ch. 95-147.

25.211 Location of clerk's office.—The clerk shall have an office in the Supreme Court Building.

History.—s. 1, ch. 57-274; s. 101, ch. 95-147.

25.221 Custody of books, records, etc.—All books, papers, records, files, and the seal of the Supreme Court shall be kept in the office of the clerk of said court and in the clerk's custody.

History.—s. 1, ch. 57-274; s. 102, ch. 95-147.

25.231 Duties of clerk.—The Clerk of the Supreme Court shall perform such duties as may be directed by the court.

History.—s. 1, ch. 57-274.

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

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

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

(3) The Clerk of the Supreme Court is hereby required to collect, upon the filing of a certified copy of a notice of appeal or petition, \$250 for each case docketed, and for copying, certifying, or furnishing opinions, records, papers, or other instruments, except as otherwise herein provided, the same fees that are allowed clerks of the circuit court; however, no fee shall be less than \$1. The State of Florida or its agencies, when appearing as appellant or petitioner, is exempt from the filing fees required in this subsection.

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

(5) The Clerk of the Supreme Court is hereby required to prepare a statement of all fees collected in duplicate each month and remit one copy of said statement, together with all fees collected by him or her, to the State Treasurer, who shall place the same to the credit of the General Revenue Fund.

History.—s. 1, ch. 57-274; s. 1, ch. 73-305; s. 3, ch. 75-124; s. 1, ch. 85-222; s. 1, ch. 85-249; s. 5, ch. 89-290; s. 103, ch. 95-147.

25.251 Marshal of Supreme Court; appointment; training.—

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

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

History.—s. 1, ch. 57-274; s. 1, ch. 80-145; s. 20, ch. 81-259; s. 1, ch. 83-167; s. 104, ch. 95-147; s. 2, ch. 95-325.

25.262 Duties of marshal, process.—The marshal shall have the power to execute the process of the court throughout the state, and in any county he or she may deputize the sheriff or a deputy sheriff for such purpose.

History.—s. 1, ch. 57-274; s. 105, ch. 95-147.

25.271 Custody of Supreme Court Building and grounds.—

(1) The said marshal shall, under the direction of the Supreme Court, be custodian of the Supreme Court Building and grounds and shall keep the same clean, sanitary, and free of trespassers and marauders and

shall maintain the same in good state of repair and cause the grounds to be beautified and preserved against depredations and trespasses.

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

History.—s. 1, ch. 57-274; s. 1, ch. 80-145; s. 106, ch. 95-147.

25.281 Compensation of marshal.—The compensation of the said marshal shall be provided by law.

History.—s. 1, ch. 57-274.

25.291 Fines for contempt.—Moneys derived from the imposition of fines for contempt of the Supreme Court of the state shall be deposited in the State Treasury into the General Revenue Fund unallocated.

History.—s. 1, ch. 57-274; s. 1, ch. 69-353; s. 21, ch. 81-259.

25.301 Decisions to be filed; copies to be furnished.—All decisions and opinions delivered by said court or any justice thereof in relation to any action or proceeding pending in said court shall be filed and remain in the office of the clerk, and shall not be taken out except by order of the court; but said clerk shall at all times be required to furnish to any person who may desire the same certified copies of such opinions and decisions, upon receiving his or her fees therefor.

History.—s. 1, ch. 57-274; s. 107, ch. 95-147.

25.311 Distribution of reports.—Copies of the reports of the decisions of the Supreme Court and of the district courts of appeal shall be distributed as follows: to the Governor, and to each Cabinet officer, except to the Attorney General, to each of the justices of the Supreme Court, to each judge of the district courts of appeal, to each circuit judge, to each judge of county courts, to each state attorney, to each public defender, to each state university and legal depository, and two copies thereof to the Attorney General. A copy thereof shall be transmitted by mail or express to the Governor of each state and territory which sends the reports of its courts to this state. A copy thereof shall be transmitted to the clerks of the United States district courts, for the use of the judges of said courts, in the Northern, Middle, and Southern Districts of Florida, in each city in the state where sessions of said courts are now appointed by law to be held, and three copies to the Clerk of the United States Circuit Court of Appeals for the Eleventh Circuit.

History.—s. 1, ch. 57-274; s. 2, ch. 63-570; s. 1, ch. 65-478; s. 1, ch. 72-404; s. 5, ch. 83-216; s. 1, ch. 94-352.

25.321 Reports to be resupplied.—A copy of reports of decisions of the Supreme Court and district courts of appeal shall be supplied or resupplied to all public officers entitled to be furnished a copy thereof by law, where such copy has never been furnished to such officers, or any predecessors in office, or where the same shall have been lost or destroyed without the fault of the officer, provided that the fact that such officer or his or her predecessors have never been supplied with

such copy, or the loss or destruction thereof be made to appear by an affidavit filed with the Supreme Court librarian.

History.—s. 1, ch. 57-274; s. 2, ch. 94-352; s. 1323, ch. 95-147.

25.331 Reports to remain the property of the state.

All reports of the opinions of the Supreme Court and the district courts of appeal heretofore furnished to public officers of this state, or that may hereafter be supplied to them, shall continue to remain the public property of the state, and shall belong to the public office of the officer to whom they are supplied for the official use of their successors in office in perpetuum. Copies of the reports previously supplied to such officers may be exchanged for reports in an alternate format to the extent they are available and in accordance with guidelines established by the Supreme Court.

History.—s. 1, ch. 57-274; s. 3, ch. 94-352.

25.341 Library of Supreme Court, custodian.—The library of the Supreme Court shall be in custody of the librarian appointed by the court, who shall be subject to its direction.

History.—s. 1, ch. 57-274.

25.351 Acquisition of books.—Books for the library of the Supreme Court may be acquired:

(1) BY PURCHASE.—As the Supreme Court shall direct.

(2) BY EXCHANGE.—Such number of reports, statutes, and journals as shall be obtained by the Chief Justice upon his or her request from the Secretary of State shall be exchanged by the librarian with appropriate authorities of the United States and other states and territories for corresponding numbers of their reports.

History.—s. 1, ch. 57-274; s. 108, ch. 95-147.

25.361 Obtaining state publications for exchange purposes.—The Supreme Court is hereby authorized, for the purpose of making exchanges, to obtain copies of the report of the decisions of the Supreme Court and district courts of appeal, any of the Florida Session Laws, the Florida Statutes, or any other publication of the state available for distribution and exchange for any book or publication needed for use in the Supreme Court library.

History.—s. 1, ch. 57-274.

25.371 Effect of rules.—When a rule is adopted by the Supreme Court concerning practice and procedure, and such rule conflicts with a statute, the rule supercedes the statutory provision.

History.—s. 1, ch. 57-274.

25.381 Reports; publication; purchase and distribution.—The reports of the opinions of the Supreme Court and the district courts of appeal shall be known as Florida Cases. In July, 1963, and every second year thereafter until otherwise provided by law, the Supreme Court and the Attorney General shall jointly enter into a contract with West Publishing Corporation, St. Paul, Minnesota, providing for the publication, in whatever format or formats are agreed upon, and distribution of such copies of Florida Cases as necessary to furnish copies thereof to the officers and institutions as required or

authorized by law. The copies of such reports purchased by the state under such contract shall be paid for from moneys appropriated for this purpose.

History.—s. 1, ch. 57-274; s. 1, ch. 63-570; s. 1, ch. 65-420; s. 4, ch. 94-352.

25.382 State courts system.—

(1) As used in this section, “state courts system” means all officers, employees, and divisions of the Supreme Court, district courts of appeal, circuit courts, and county courts.

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

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

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

History.—s. 13, ch. 79-190; s. 6, ch. 83-92; s. 9, ch. 94-348.

25.383 Standards for court reporters; procedures; fees of professional conduct, discipline, and training; rules.—The Supreme Court shall establish minimum standards and procedures for qualifications, certification, discipline, and training for court reporters. The Supreme Court is authorized to set fees to be charged to applicants for certification and renewal of certification. The revenues generated from such fees shall be used to offset the costs of administration of the certification process. The Supreme Court may appoint or employ such personnel as are necessary to assist the court in exercising its powers and performing its duties under this section.

History.—s. 2, ch. 95-286.

25.384 Court Education Trust Fund.—

(1) There is created a Court Education Trust Fund to be administered by the Supreme Court through the Florida Court Educational Council.

(2)(a) The trust fund moneys shall be used to provide judicial education for judges, the State Courts Administrator and his or her staff, trial court administrators, and appellate court law clerks. In addition, funds may be used for the development and implementation of an educational program for the clerks of court as set forth in s. 145.051(2).

(b) The Supreme Court, through its Florida Court Educational Council, shall adopt a comprehensive plan

for the operation of the trust fund and the expenditure of the moneys deposited in the trust fund. The plan shall provide for travel, per diem, tuition, educational materials, and other related costs incurred for educational programs, in and out of state, which will be of benefit to the judiciary of the state.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to s. 28.241(1).

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

History.—s. 1, ch. 82-168; s. 109, ch. 95-147.

25.385 Standards for instruction of circuit and county court judges in handling domestic violence cases.—

(1) The Florida Court Educational Council shall establish standards for instruction of circuit and county court judges who have responsibility for domestic violence cases, and the council shall provide such instruction on a periodic and timely basis.

(2) As used in this section:

(a) The term “domestic violence” means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another, who is or was residing in the same single dwelling unit.

(b) “Family or household member” means spouse, former spouse, persons related by blood or marriage, persons who are presently residing together, as if a family, or who have resided together in the past, as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

History.—ss. 2, 8, ch. 84-343; s. 1, ch. 91-210.

125.388 Family Courts Trust Fund.—

(1)(a) The trust fund moneys in the Family Courts Trust Fund or in the Grants and Donations Trust Fund, if the Family Courts Trust Fund is not created by general law, administered by the Supreme Court, shall be used to implement family court plans in all judicial circuits of this state.

(b) The Supreme Court, through the Office of the State Courts Administrator, shall adopt a comprehensive plan for the operation of the trust fund and the expenditure of any moneys deposited into the trust fund. The plan shall provide for a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases.

(2) As part of its comprehensive plan, the Supreme Court shall evaluate the necessity for an installment plan or a waiver for any or all of the fees based on financial necessity and report such findings to the Legislature.

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to s. 741.01(4).

(4) This section shall stand repealed on July 1, 1998.

History.—s. 1, ch. 94-222.

Note.—Section 2, ch. 94-223, provides that:

(1) Pursuant to the provisions of s. 19(1)(2), Art. III of the State Constitution, the Family Courts Trust Fund shall, unless terminated sooner, be terminated on July 1, 1998.

(2) Prior to the regular legislative session immediately preceding the date on which the trust fund is scheduled to be terminated, the Supreme Court and the Governor shall recommend to the President of the Senate and the Speaker of the House

of Representatives whether the trust fund should be allowed to terminate or should be re-created. These recommendations shall be based on a review of the purpose and use of the trust fund and a determination of whether the trust fund will continue to be necessary. A recommendation to re-create the trust fund may include suggested modifications to the purpose, sources of receipts, and allowable expenditures for the trust fund. The Supreme Court's recommendation shall be made as a part of its legislative budget request to the Legislature pursuant to s. 216.023, Florida Statutes. The Governor's recommendation shall be made as a part of the recommended budget presented to the Legislature pursuant to s. 216.162, Florida Statutes.

(3) If the trust fund is terminated, the Supreme Court shall pay any outstanding debts or obligations of the trust fund as soon as practicable and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities.*

Note.—Section 1, ch. 94-223, creates the Family Courts Trust Fund.