

CHAPTER 43

COURTS: GENERAL PROVISIONS

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43.16 Justice Administrative Commission; membership, powers and duties.—

(1) There is hereby created a Justice Administrative Commission of the Judicial Branch of Florida, with headquarters located in the state capital. The necessary office space for use of the commission shall be furnished by the proper state agency in charge of state buildings.

(2) Members of the Justice Administrative Commission shall serve for a period of 2 years, with the terms of each dating from July 1, 1985, except that initially, one state attorney member and one public defender member shall each serve a 1-year term. Members shall be selected in the following manner:

(a) Two state attorneys, to be appointed by the president of the Florida Prosecuting Attorneys Association.

(b) Two public defenders, to be appointed by the president of the Florida Public Defenders Association.

(3) The members of the Justice Administrative Commission are authorized to perform necessary travel incident to official business of the commission and shall be reimbursed therefor in accordance with the provisions of s. 112.061.

(4) The Justice Administrative Commission shall employ an executive director and fix his or her salary. The executive director shall employ any necessary personnel for the efficient performance of the commission according to a classification and pay plan annually approved by the commission.

(5) The duties of the commission shall include, but not be limited to, the following:

(a) The maintenance of a central state office for administrative services and assistance when possible to and on behalf of the state attorneys and public defenders of Florida, the office of capital collateral representative of Florida, and the Judicial Qualifications Commission.

(b) Each state attorney and public defender and the Judicial Qualifications Commission shall continue to prepare necessary budgets, vouchers which represent valid claims for reimbursement by the state for authorized expenses, and other things incidental to the proper administrative operation of the office, such as revenue transmittals to the treasurer, automated systems plans, etc., but will forward same to the commission for record-

ing and submission to the proper state officer. However, when requested by a state attorney or a public defender or the Judicial Qualifications Commission, the commission will either assist in the preparation of budget requests, voucher schedules, and other forms and reports or accomplish the entire project involved.

(6) The provisions contained in this section shall be supplemental to those of chapter 27, relating to state attorneys and public defenders; to s. 43.20, relating to the Judicial Qualifications Commission; or to other laws pertaining hereto.

History.—ss. 1-6, ch. 65-328; s. 1, ch. 78-174; s. 1, ch. 85-46; s. 4, ch. 85-332; s. 259, ch. 95-147.

43.18 Money paid into court; withdrawal.—No moneys deposited as provided in 's. 43.17, shall be withdrawn except on the voucher or check signed by the clerk of the court if the court has an authorized clerk and if not, by the judge. Every voucher or check shall state the cause in or on account of which it is drawn.

History.—s. 2, ch. 15996, 1933; CGL 1936 Supp. 4355(2); s. 1, ch. 29655, 1955; s. 44, ch. 67-254.

Note.—Repealed by s. 2, ch. 73-282.

Note.—Former s. 54.05.

43.19 Money paid into court; unclaimed funds.—

(1) In every case in which the right to withdraw money deposited as hereinbefore provided has been adjudicated or is not in dispute and the money has remained so deposited for 5 years or more unclaimed by the person, firm, or corporation entitled thereto, on or before December 1 of each year the judge, or one of the judges, of the court shall direct that the money be deposited with the Treasurer to the credit of the State School Fund, to become a part of that fund, subject to the right of the person, firm, or corporation entitled thereto to receive the money as provided in subsection (3).

(2) The direction that the money be deposited as provided in subsection (1) shall be by written order. A copy of the order shall be filed in the action in which the money was originally deposited. The order shall also be noted in the progress docket in the action, if a docket is maintained by the court.

(3) Any person, firm or corporation entitled to any of the money may obtain an order directing the payment of the money to the claimant on written petition to the court from which the money was deposited or its successor, and written notice to the state attorney of the circuit wherein the court is situate, whether or not the court is a circuit court, and proof of right thereto, and the money deposited shall constitute and be a permanent appropriation for payments by the Treasurer of the state in obedience of such orders.

(4) All interest and income that accrue from the money while on deposit with the Treasurer to the credit of the State School Fund belong to that fund.

History.—s. 3, ch. 15996, 1933; CGL 1936 Supp. 4355(3); s. 1, ch. 21993, 1943; s. 1, ch. 24351, 1947; s. 2, ch. 61-119; s. 44, ch. 67-254; s. 33, ch. 81-259.

Note.—Former s. 54.06.

43.195 Disposal of physical evidence filed as exhibits.—The clerk of any circuit court or county court

may dispose of items of physical evidence which have been held as exhibits in excess of 3 years in cases on which no appeal is pending or can be made. Items of evidence having no monetary value which are designated by the clerk for removal shall be disposed of as unusable refuse. Items of evidence having a monetary value which are designated for removal by the clerk shall be sold and the revenue placed in the clerk's general revenue fund.

History.—s. 1, ch. 72-7; s. 21, ch. 73-333; s. 2, ch. 89-176.

43.20 Judicial Qualifications Commission.—

(1) **PURPOSE.**—The purpose of this section is to implement s. 12(b), Art. V of the State Constitution which provides for a Judicial Qualifications Commission.

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

(3) **VACANCIES.**—An appointment to fill a vacancy shall be for the remainder of the term.

(4) **SELECTION OF MEMBERS BY DISTRICT COURTS OF APPEAL JUDGES, CIRCUIT COURT JUDGES, COUNTY COURT JUDGES AND BOARD OF GOVERNORS OF THE FLORIDA BAR.**—The members appointed by the judges of the district courts of appeal, the circuit judges, the county court judges, and the Board of Governors of The Florida Bar shall be selected by not less than a majority of the membership of the respective appointing groups.

(5) **EXPENSES.**—The compensation of members and referees shall be the travel expense or transportation and per diem allowance provided by s. 112.061.

History.—ss. 1, 2, 3, 4, ch. 67-163; s. 1, ch. 73-306; s. 34, ch. 81-259.

43.26 Presiding judge of circuit; selection; powers.

(1) The presiding judge of each judicial circuit, who shall be a circuit judge, shall exercise administrative supervision over all the trial courts within the judicial circuit and over the judges and other officers of such courts.

(2) The presiding judge of the circuit shall have the power:

(a) To assign judges to the trial of civil or criminal cases, to preliminary hearings, or to divisions and to determine the length of the assignment;

(b) To assign clerks and bailiffs;

(c) To regulate use of courtrooms;

(d) To supervise dockets and calendars;

(e) To require attendance of prosecutors and public defenders; and

(f) To do everything necessary to promote the prompt and efficient administration of justice in the courts over which he or she presides.

(3) The presiding judge shall be responsible to the Chief Justice of the Supreme Court for such information as may be required by the Chief Justice, including, but not limited to, caseload, status of dockets, and disposition of cases in the courts over which he or she presides.

(4) The presiding judge of the circuit shall be selected by a majority of the judges subject to this section in that circuit for a term of 2 years. The presiding judge may succeed himself or herself for successive terms.

(5) Failure of any judge, clerk, prosecutor, public defender, or other officer of the court to comply with an

order or directive of the presiding judge under this section shall constitute neglect of duty for which such officer may be suspended from office as provided by law.

(6) There may be an executive assistant to the presiding judge who shall perform such duties as the presiding judge may direct.

History.—s. 1, ch. 71-214; s. 1, ch. 77-119; s. 260, ch. 95-147.

43.27 Office hours of clerks of court.—The clerks of the courts of the several counties may establish the hours during which the office of clerk may be open to the public. The hours should conform as nearly as possible to the customary weekday hours of business prevailing in the county. The clerk may prescribe that the office be open such additional hours as public needs require.

History.—s. 1, ch. 72-238; s. 261, ch. 95-147.

43.28 Court facilities.—The counties shall provide appropriate courtrooms, facilities, equipment, and, unless provided by the state, personnel necessary to operate the circuit and county courts.

History.—s. 23, ch. 72-404; s. 1, ch. 77-119.

43.29 Judicial nominating commissions.—

(1) Each judicial nominating commission shall be composed of the following:

(a) Three members, at least one of whom must be a member of a racial or ethnic minority group or a woman, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, or in the district or circuit;

(b) Three electors, at least one of whom must be a member of a racial or ethnic minority group or a woman, who reside in the territorial jurisdiction of the court or in the circuit appointed by the Governor; and

(c) Three electors, at least one of whom must be a member of a racial or ethnic minority group or a woman, who reside in the territorial jurisdiction of the court or in the circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.

(2) No justice or judge may be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. A member of a judicial nominating commission is not eligible for appointment to the state judicial office for which that commission has the authority to make nominations, either during such term of membership or for a period of 2 years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.

(3) A member of a judicial nominating commission shall serve a term of 4 years and is not eligible for consecutive reappointment. A member of a judicial nominating commission may be suspended by the Governor and removed by the Senate for cause pursuant to uniform rules of procedure established by the judicial nominating commissions consistent with s. 7, Art. IV of the State Constitution.

History.—s. 24, ch. 72-404; s. 22, ch. 73-333; s. 1, ch. 77-20; s. 35, ch. 81-259; s. 1, ch. 84-33; s. 1, ch. 91-74; s. 1, ch. 92-202.

Note.—Section 9, ch. 91-74, provides that the term "[r]acial and ethnic minorities", as used in ch. 91-74, "means members of a socially or economically disadvantaged group which includes Blacks, Hispanics, and American Indians."

43.30 Divisions of court.—All courts except the Supreme Court may sit in divisions as may be established by local rule approved by the Supreme Court.

History.—s. 25, ch. 72-404.

43.35 Witness coordinating offices.—Each court administrator shall establish a witness coordinating office in each county within his or her judicial circuit. The office shall be responsible for:

(1) Coordinating court appearances, including pretrial conferences and depositions, for all witnesses who are subpoenaed in criminal cases, including law enforcement personnel.

(2) Contacting witnesses and securing information necessary to place a witness on an on-call status with regard to his or her court appearance.

(3) Contacting witnesses to advise them not to report to court in the event the case for which they have been subpoenaed has been continued or has had a plea entered, or in the event there is any other reason why their attendance is not required on the dates they have been ordered to report.

(4) Contacting the employer of a witness, when necessary, to confirm that the employee has been subpoenaed to appear in court as a witness.

In addition, the office may provide additional services to reduce time and wage losses to a minimum for all witnesses.

History.—s. 1, ch. 82-176; s. 262, ch. 95-147.

43.41 Report of judicial disposition.—Within 10 days after final judicial disposition of each traffic violation, including parking on a roadway outside the limits of a municipality, or other offense reported on the uniform traffic citation, as prescribed by s. 316.650, the clerk of the court in which the case was tried shall report the judicial disposition of such case to the Department of Highway Safety and Motor Vehicles on a copy of the uniform traffic citation, which form shall be consistent with the Florida Traffic Court rules. The clerks of the courts may submit judicial disposition data to the department in an automated fashion, in a form prescribed by the department, which form shall be consistent with the Florida Traffic Court rules and procedures established by the department. Those courts submitting data in an automated fashion will submit a copy of the uniform traffic citation in a manner prescribed by the department.

History.—s. 1, ch. 74-335; s. 1, ch. 79-99.