

By the Committee on Judiciary and Senator King

308-2186-00

1 A bill to be entitled
 2 An act relating to district courts of appeal;
 3 amending s. 35.01, F.S.; specifying minimum
 4 membership of district courts of appeal;
 5 providing construction and application;
 6 providing criteria for selecting judges to fill
 7 vacancies; requesting district courts of appeal
 8 judicial nominating commissions to adopt
 9 uniform rules of procedure; providing an
 10 effective date.

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

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 14 Section 1. Section 35.01, Florida Statutes, is amended
 15 to read:

16 35.01 District courts of appeal; districts.--Five
 17 district courts of appeal are created, and the state is
 18 divided into five appellate districts of contiguous circuits.
 19 Each district court of appeal shall consist of at least one
 20 judge from each judicial circuit within the district.

21 Section 2. (1) This act shall not affect the term of
 22 any district court of appeal judge who is serving at the time
 23 of the effective date of this act or any district court of
 24 appeal judgeship which is vacant and awaiting filling by
 25 appointment by the Governor at the time of the effective date
 26 of this act. Any such judge may be reelected to as many
 27 successive terms of office for which the judge may qualify.

28 (2)(a) Upon the retirement, death, removal, or
 29 expiration of term of office without reelection of a judge of
 30 a district court of appeal, or upon the creation of an
 31 additional judgeship on a district court of appeal, for an

1 appellate district for which there is a judicial circuit from
2 which there is no judge then serving, such vacancy shall be
3 filled only by a qualified resident from the geographical area
4 of such unrepresented judicial circuit.

5 (b) If at the time of any vacancy on a district court
6 of appeal there is more than one judicial circuit which is
7 unrepresented by a judge on such district court of appeal,
8 such vacancy shall be filled by a qualified resident of the
9 judicial circuit having the lowest judicial circuit
10 designation number.

11 Section 3. In order to fully implement the provisions
12 of this act, and in recognition of the rulemaking authority
13 conferred on the district courts of appeal judicial nominating
14 commissions by Section 11 of Article V of the Florida
15 Constitution, the Legislature requests that these judicial
16 nominating commissions, by and through the Supreme Court of
17 Florida, adopt uniform rules of procedure effectuating the
18 provisions of this act.

19 Section 4. This act shall take effect upon becoming a
20 law.

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 SB 2004

25 The Judicial Nominating Commissions charged with making
26 nominations for the District Courts of Appeal are requested to
27 adopt rules to implement the placement of judges on each
28 district court of appeal from each circuit within the district
29 represented by the court.
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