

By Senator Diaz de la Portilla

34-1511-02

See HB 205

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

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

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

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

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

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

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

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

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

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

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22 LEGISLATIVE SUMMARY

23
24 Requires each district court of appeal to include at
25 least one judge from each judicial circuit within the
26 appellate district. Provides application to affect only
27 vacancies occurring after the effective date of the act.
28 Specifies the filling of vacancies from unrepresented
29 judicial circuits. Requests judicial nominating
30 commissions to adopt uniform rules of procedure. (See
31 bill for details.)