

By Representative Sorensen

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.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 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 the term of office without reelection of a judge
 30 of 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 s. 11, Art. V of the State Constitution, the
15 Legislature requests that these judicial nominating
16 commissions, by and through the Supreme Court of Florida,
17 adopt uniform rules of procedure effectuating the provisions
18 of this act.

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

21
22 *****

23 HOUSE SUMMARY

24 Requires each district court of appeal to consist of 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 bill.
28 Specifies the filling of vacancies from unrepresented
29 judicial circuits. Requests judicial nominating
30 commissions to adopt uniform rules of procedure. See bill
31 for details.