

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 have at least one judge
20 appointed from each judicial circuit within the district who
21 is a resident of the circuit at the time of the original
22 appointment. This requirement is not applicable where the
23 Judicial Nominating Commission for the district court of
24 appeals has advertised a vacancy within an unrepresented
25 circuit and no applications from qualified applicants are
26 received from an unrepresented circuit.

27 Section 2. (1) This act shall not affect the term of
28 any district court of appeal judge who is serving at the time
29 of the effective date of this act or any district court of
30 appeal judgeship which is vacant and awaiting filling by
31 appointment by the Governor at the time of the effective date

1 of this act. Any such judge may be reelected to as many
2 successive terms of office for which the judge may qualify.

3 (2)(a) Upon the retirement, death, removal, or
4 expiration of the term of office without reelection of a judge
5 of a district court of appeal, or upon the creation of an
6 additional judgeship on a district court of appeal, for an
7 appellate district for which there is a judicial circuit from
8 which there is no judge then serving, such vacancy shall be
9 filled only by a qualified resident from the geographical area
10 of such unrepresented judicial circuit if applications are
11 received from qualified applicants within the unrepresented
12 circuit.

13 (b) If at the time of any vacancy on a district court
14 of appeal there is more than one judicial circuit which is
15 unrepresented by a judge on such district court of appeal,
16 such vacancy shall be filled by a qualified resident of the
17 judicial circuit having the lowest judicial circuit
18 designation number if applications are received from qualified
19 applicants within the unrepresented circuit.

20 Section 3. In order to fully implement the provisions
21 of this act, and in recognition of the rulemaking authority
22 conferred on the district courts of appeal judicial nominating
23 commissions by s. 11, Art. V of the State Constitution, the
24 Legislature requests that these judicial nominating
25 commissions, by and through the Supreme Court of Florida,
26 adopt uniform rules of procedure effectuating the provisions
27 of this act.

28 Section 4. This act shall take effect upon becoming a
29 law.