

FOR CONSIDERATION By the Committee on Appropriations

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1 A bill to be entitled
2 An act relating to district courts of appeal; amending
3 s. 35.01, F.S.; revising the number of district courts
4 of appeal from five to six; amending s. 35.02, F.S.;
5 realigning the First Appellate District; amending s.
6 35.03, F.S.; realigning the Second Appellate District;
7 amending s. 35.043, F.S.; realigning the Fifth
8 Appellate District; creating s. 35.044, F.S.; creating
9 the Sixth Appellate District; amending s. 35.05, F.S.;
10 revising the headquarters of the Second Appellate
11 District; establishing the headquarters of the Sixth
12 Appellate District; providing legislative intent;
13 amending s. 35.06, F.S.; revising the number of judges
14 in the present appellate districts; providing the
15 number of judges for the Sixth Appellate District;
16 amending s. 27.51, F.S.; revising which offices of the
17 public defender handle appellate duties in an
18 appellate district; assigning the public defender of
19 the tenth judicial circuit to the Sixth Appellate
20 District; amending s. 27.511, F.S.; revising the
21 number of criminal conflict and civil regional counsel
22 offices to conform to changes made by the act;
23 amending s. 27.53, F.S.; revising the number of
24 criminal conflict and civil regional counsel offices
25 for appointments of assistants, staff, and method of
26 payment to conform to changes made by the act;
27 amending s. 29.001, F.S.; revising certain state
28 courts system definitions to conform to changes made
29 by the act; amending s. 440.45, F.S.; revising the

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30 number of electors for the statewide nominating
31 commission for the Office of the Judges of
32 Compensation Claims; deleting obsolete language;
33 reenacting s. 29.008(1), F.S., relating to county
34 funding of court-related functions, to incorporate the
35 amendment made to s. 35.05, Florida Statutes, in a
36 reference thereto; reenacting s. 35.051(1), F.S.,
37 relating to subsistence and travel reimbursement for
38 judges with alternate headquarters, to incorporate the
39 amendment made to s. 35.05, Florida Statutes, in a
40 reference thereto; requiring all specified property
41 located in the Lakeland headquarters of the current
42 Second District Court of Appeal or in use by employees
43 assigned to such headquarters to be transferred to the
44 Sixth District Court of Appeal unless a certain
45 finding is made by the Office of the State Courts
46 Administrator; authorizing the Chief Justice to
47 authorize a specified pilot program under which judges
48 in specified districts may implement innovative
49 practices, incorporate leading technologies, and
50 provide for remote court proceedings, subject to a
51 specified condition; providing for expiration of the
52 pilot program; requiring the Supreme Court to provide
53 a certain report to the Governor and the Legislature;
54 providing for a transitional period; providing
55 legislative intent; providing the manner in which
56 judicial vacancies in each district court of appeal
57 must be filled; providing a priority for how such
58 vacancies must be filled; requiring the Supreme Court

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59 to allocate judges during a specified timeframe for at
60 least a specified term; requiring the Governor to
61 appoint judges to fill any remaining vacancies;
62 authorizing certain judges who wish to serve
63 permanently in the new district to serve a specified
64 notice within a specified timeframe upon the State
65 Courts Administrator; providing that such judges are
66 subject to assignment; requiring the Supreme Court,
67 within a specified timeframe, to provide a certain
68 list to the Governor; requiring the Governor to
69 request that the applicable judicial nominating
70 commissions convene for a specified purpose; requiring
71 that individuals filling such vacancies be appointed
72 subject to a specified provision of the State
73 Constitution; requiring the Governor to recommission
74 any judge whose district was modified by the
75 realignment of districts pursuant to the act by a
76 specified date; providing effective dates.

77

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

79

80 Section 1. Effective January 1, 2023, section 35.01,
81 Florida Statutes, is amended to read:

82 35.01 District courts of appeal; districts.—Six ~~Five~~
83 district courts of appeal are created, and the state is divided
84 into six ~~five~~ appellate districts of contiguous circuits.

85 Section 2. Effective January 1, 2023, section 35.02,
86 Florida Statutes, is amended to read:

87 35.02 First Appellate District.—The First Appellate

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88 District is composed of the First, Second, Third, ~~Fourth,~~
89 Eighth, and Fourteenth Judicial Circuits.

90 Section 3. Effective January 1, 2023, section 35.03,
91 Florida Statutes, is amended to read:

92 35.03 Second Appellate District.—The Second Appellate
93 District is composed of the Sixth, ~~Tenth,~~ Twelfth, and
94 Thirteenth, ~~and Twentieth~~ Judicial Circuits.

95 Section 4. Effective January 1, 2023, section 35.043,
96 Florida Statutes, is amended to read:

97 35.043 Fifth Appellate District.—The Fifth Appellate
98 District is composed of the Fourth, Fifth, Seventh, ~~Ninth,~~ and
99 Eighteenth Judicial Circuits.

100 Section 5. Effective January 1, 2023, section 35.044,
101 Florida Statutes, is created to read:

102 35.044 Sixth Appellate District.—The Sixth Appellate
103 District is composed of the Ninth, Tenth, and Twentieth Judicial
104 Circuits.

105 Section 6. Effective January 1, 2023, subsection (1) of
106 section 35.05, Florida Statutes, is amended to read:

107 35.05 Headquarters.—

108 (1) The headquarters of the First Appellate District shall
109 be in the Second Judicial Circuit, Tallahassee, Leon County; of
110 the Second Appellate District in the Sixth ~~Tenth~~ Judicial
111 Circuit, Pinellas Lakeland, ~~Polk~~ County; of the Third Appellate
112 District in the Eleventh Judicial Circuit, Miami-Dade County; of
113 the Fourth Appellate District in the Fifteenth Judicial Circuit,
114 Palm Beach County; of and the Fifth Appellate District in the
115 Seventh Judicial Circuit, Daytona Beach, Volusia County; and of
116 the Sixth Appellate District in the Tenth Judicial Circuit,

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117 Lakeland, Polk County. Although each district must have a
118 headquarters as set forth in this subsection, the Legislature
119 intends for policies and practices to be implemented to
120 encourage top applicants for judicial vacancies from throughout
121 each entire district and to provide opportunities for remote
122 workplaces for judges and staff who may not live near the
123 headquarters of the district. Further, it is the intent of the
124 Legislature to ensure that the district courts operate as
125 efficiently as possible through the use of leading technologies
126 and by adopting policies and practices that encourage innovation
127 and workforce flexibility.

128 Section 7. Effective January 1, 2023, section 35.06,
129 Florida Statutes, is amended to read:

130 35.06 Organization of district courts of appeal.—A district
131 court of appeal shall be organized in each of the six ~~five~~
132 appellate districts to be named District Court of Appeal,
133 District. The number of judges of each district court of appeal
134 shall be as follows:

135 (1) In the first district there shall be 13 ~~15~~ judges.

136 (2) In the second district there shall be 12 ~~16~~ judges.

137 (3) In the third district there shall be 10 judges.

138 (4) In the fourth district there shall be 12 judges.

139 (5) In the fifth district there shall be 12 ~~11~~ judges.

140 (6) In the sixth district there shall be 12 judges.

141 Section 8. Effective January 1, 2023, subsection (4) of
142 section 27.51, Florida Statutes, is amended to read:

143 27.51 Duties of public defender.—

144 (4) The public defender for the judicial circuit specified
145 in this subsection shall, after the record on appeal is

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146 transmitted to the appellate court by the office of the public
147 defender which handled the trial and if requested by any public
148 defender within the indicated appellate district, handle all
149 circuit court and county court appeals within the state courts
150 system and any authorized appeals to the federal courts required
151 of the official making such request:

152 (a) Public defender of the second judicial circuit, on
153 behalf of any public defender within the district comprising the
154 First District Court of Appeal.

155 (b) Public defender of the sixth ~~tenth~~ judicial circuit, on
156 behalf of any public defender within the district comprising the
157 Second District Court of Appeal.

158 (c) Public defender of the eleventh judicial circuit, on
159 behalf of any public defender within the district comprising the
160 Third District Court of Appeal.

161 (d) Public defender of the fifteenth judicial circuit, on
162 behalf of any public defender within the district comprising the
163 Fourth District Court of Appeal.

164 (e) Public defender of the seventh judicial circuit, on
165 behalf of any public defender within the district comprising the
166 Fifth District Court of Appeal.

167 (f) Public defender of the tenth judicial circuit, on
168 behalf of any public defender within the district comprising the
169 Sixth District Court of Appeal.

170 Section 9. Effective January 1, 2023, subsection (1) and
171 paragraph (a) of subsection (3) of section 27.511, Florida
172 Statutes, are amended to read:

173 27.511 Offices of criminal conflict and civil regional
174 counsel; legislative intent; qualifications; appointment;

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175 duties.—

176 (1) It is the intent of the Legislature to provide adequate
177 representation to persons entitled to court-appointed counsel
178 under the Federal or State Constitution or as authorized by
179 general law. It is the further intent of the Legislature to
180 provide adequate representation in a fiscally sound manner,
181 while safeguarding constitutional principles. Therefore, an
182 office of criminal conflict and civil regional counsel is
183 created within the geographic boundaries of each of the six ~~five~~
184 district courts of appeal. The regional counsel shall be
185 appointed as set forth in subsection (3) for each of the six
186 ~~five~~ regional offices.

187 (3) (a) Each regional counsel must be, and must have been
188 for the preceding 5 years, a member in good standing of The
189 Florida Bar. Each regional counsel shall be appointed by the
190 Governor and is subject to confirmation by the Senate. The
191 Supreme Court Judicial Nominating Commission, in addition to the
192 current regional counsel, shall recommend to the Governor not
193 fewer than two or more than six ~~five~~ additional qualified
194 candidates for appointment to each of the six ~~five~~ regional
195 counsel positions. The Governor shall appoint the regional
196 counsel for the six ~~five~~ regions from among the recommendations,
197 or, if it is in the best interest of the fair administration of
198 justice, the Governor may reject the nominations and request
199 that the Supreme Court Judicial Nominating Commission submit
200 three new nominees. The regional counsel shall be appointed to a
201 term of 4 years, the term beginning on October 1, 2015.
202 Vacancies shall be filled in the manner provided in paragraph
203 (b).

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204 Section 10. Effective January 1, 2023, subsection (4) of
205 section 27.53, Florida Statutes, is amended to read:

206 27.53 Appointment of assistants and other staff; method of
207 payment.—

208 (4) The six ~~five~~ criminal conflict and civil regional
209 counsel may employ and establish, in the numbers authorized by
210 the General Appropriations Act, assistant regional counsel and
211 other staff and personnel in each judicial district pursuant to
212 s. 29.006, who shall be paid from funds appropriated for that
213 purpose. Notwithstanding s. 790.01, s. 790.02, or s.
214 790.25(2)(a), an investigator employed by an office of criminal
215 conflict and civil regional counsel, while actually carrying out
216 official duties, is authorized to carry concealed weapons if the
217 investigator complies with s. 790.25(3)(o). However, such
218 investigators are not eligible for membership in the Special
219 Risk Class of the Florida Retirement System. The six ~~five~~
220 regional counsel shall jointly develop recommended modifications
221 to the classification plan and the salary and benefits plan for
222 the Justice Administrative Commission. The recommendations shall
223 be submitted to the commission, the office of the President of
224 the Senate, and the office of the Speaker of the House of
225 Representatives before January 1 of each year. Such
226 recommendations shall be developed in accordance with policies
227 and procedures of the Executive Office of the Governor
228 established in s. 216.181. Each assistant regional counsel
229 appointed by the regional counsel under this section shall serve
230 at the pleasure of the regional counsel. Each investigator
231 employed by the regional counsel shall have full authority to
232 serve any witness subpoena or court order issued by any court or

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233 judge in a criminal case in which the regional counsel has been
234 appointed to represent the accused.

235 Section 11. Effective January 1, 2023, subsection (1) of
236 section 29.001, Florida Statutes, is amended to read:

237 29.001 State courts system elements and definitions.—

238 (1) For the purpose of implementing s. 14, Art. V of the
239 State Constitution, the state courts system is defined to
240 include the enumerated elements of the Supreme Court, district
241 courts of appeal, circuit courts, county courts, and certain
242 supports thereto. The offices of public defenders and state
243 attorneys are defined to include the enumerated elements of the
244 20 state attorneys' offices and the enumerated elements of the
245 20 public defenders' offices and six ~~five~~ offices of criminal
246 conflict and civil regional counsel. Court-appointed counsel are
247 defined to include the enumerated elements for counsel appointed
248 to ensure due process in criminal and civil proceedings in
249 accordance with state and federal constitutional guarantees.
250 Funding for the state courts system, the state attorneys'
251 offices, the public defenders' offices, the offices of criminal
252 conflict and civil regional counsel, and other court-appointed
253 counsel shall be provided from state revenues appropriated by
254 general law.

255 Section 12. Effective January 1, 2023, paragraph (b) of
256 subsection (2) of section 440.45, Florida Statutes, is amended
257 to read:

258 440.45 Office of the Judges of Compensation Claims.—

259 (2)

260 (b) Except as provided in paragraph (c), the Governor shall
261 appoint a judge of compensation claims from a list of three

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262 persons nominated by a statewide nominating commission. The
263 statewide nominating commission shall be composed of the
264 following:

265 1. Six ~~Five~~ members, at least one of whom must be a member
266 of a minority group as defined in s. 288.703, one of each who
267 resides in each of the territorial jurisdictions of the district
268 courts of appeal, appointed by the Board of Governors of The
269 Florida Bar from among The Florida Bar members ~~who are~~ engaged
270 in the practice of law. ~~The Board of Governors shall appoint~~
271 ~~members who reside in the odd-numbered district court of appeal~~
272 ~~jurisdictions to 4-year terms each, beginning July 1, 1999, and~~
273 ~~members who reside in the even-numbered district court of appeal~~
274 ~~jurisdictions to 2-year terms each, beginning July 1, 1999.~~
275 ~~Thereafter,~~ Each member shall be appointed for a 4-year term;

276 2. Six ~~Five~~ electors, at least one of whom must be a member
277 of a minority group as defined in s. 288.703, one of each who
278 resides in each of the territorial jurisdictions of the district
279 courts of appeal, appointed by the Governor. ~~The Governor shall~~
280 ~~appoint members who reside in the odd-numbered district court of~~
281 ~~appeal jurisdictions to 2-year terms each, beginning July 1,~~
282 ~~1999, and members who reside in the even-numbered district court~~
283 ~~of appeal jurisdictions to 4-year terms each, beginning July 1,~~
284 ~~1999.~~ ~~Thereafter,~~ Each member shall be appointed for a 4-year
285 term; and

286 3. Six ~~Five~~ electors, at least one of whom must be a member
287 of a minority group as defined in s. 288.703, one of each who
288 resides in the territorial jurisdictions of the district courts
289 of appeal, selected and appointed by a majority vote of the
290 other 10 members of the commission. ~~A majority of the other~~

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291 ~~members of the commission shall appoint members who reside in~~
292 ~~the odd-numbered district court of appeal jurisdictions to 2-~~
293 ~~year terms each, beginning October 1, 1999, and members who~~
294 ~~reside in the even-numbered district court of appeal~~
295 ~~jurisdictions to 4-year terms each, beginning October 1, 1999.~~
296 ~~Thereafter,~~ Each member shall be appointed for a 4-year term.

297
298 A vacancy occurring on the commission shall be filled by the
299 original appointing authority for the unexpired balance of the
300 term. An ~~No~~ attorney who appears before any judge of
301 compensation claims more than four times a year is not eligible
302 to serve on the statewide nominating commission. The meetings
303 and determinations of the nominating commission as to the judges
304 of compensation claims shall be open to the public.

305 Section 13. Effective January 1, 2023, for the purpose of
306 incorporating the amendment made by this act to section 35.05,
307 Florida Statutes, in a reference thereto, subsection (1) of
308 section 29.008, Florida Statutes, is reenacted to read:

309 29.008 County funding of court-related functions.—

310 (1) Counties are required by s. 14, Art. V of the State
311 Constitution to fund the cost of communications services,
312 existing radio systems, existing multiagency criminal justice
313 information systems, and the cost of construction or lease,
314 maintenance, utilities, and security of facilities for the
315 circuit and county courts, public defenders' offices, state
316 attorneys' offices, guardian ad litem offices, and the offices
317 of the clerks of the circuit and county courts performing court-
318 related functions. For purposes of this section, the term
319 "circuit and county courts" includes the offices and staffing of

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320 the guardian ad litem programs, and the term "public defenders'
321 offices" includes the offices of criminal conflict and civil
322 regional counsel. The county designated under s. 35.05(1) as the
323 headquarters for each appellate district shall fund these costs
324 for the appellate division of the public defender's office in
325 that county. For purposes of implementing these requirements,
326 the term:

327 (a) "Facility" means reasonable and necessary buildings and
328 office space and appurtenant equipment and furnishings,
329 structures, real estate, easements, and related interests in
330 real estate, including, but not limited to, those for the
331 purpose of housing legal materials for use by the general public
332 and personnel, equipment, or functions of the circuit or county
333 courts, public defenders' offices, state attorneys' offices, and
334 court-related functions of the office of the clerks of the
335 circuit and county courts and all storage. The term "facility"
336 includes all wiring necessary for court reporting services. The
337 term also includes access to parking for such facilities in
338 connection with such court-related functions that may be
339 available free or from a private provider or a local government
340 for a fee. The office space provided by a county may not be less
341 than the standards for space allotment adopted by the Department
342 of Management Services, except this requirement applies only to
343 facilities that are leased, or on which construction commences,
344 after June 30, 2003. County funding must include physical
345 modifications and improvements to all facilities as are required
346 for compliance with the Americans with Disabilities Act. Upon
347 mutual agreement of a county and the affected entity in this
348 paragraph, the office space provided by the county may vary from

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349 the standards for space allotment adopted by the Department of
350 Management Services.

351 1. As of July 1, 2005, equipment and furnishings shall be
352 limited to that appropriate and customary for courtrooms,
353 hearing rooms, jury facilities, and other public areas in
354 courthouses and any other facility occupied by the courts, state
355 attorneys, public defenders, guardians ad litem, and criminal
356 conflict and civil regional counsel. Court reporting equipment
357 in these areas or facilities is not a responsibility of the
358 county.

359 2. Equipment and furnishings under this paragraph in
360 existence and owned by counties on July 1, 2005, except for that
361 in the possession of the clerks, for areas other than
362 courtrooms, hearing rooms, jury facilities, and other public
363 areas in courthouses and any other facility occupied by the
364 courts, state attorneys, and public defenders, shall be
365 transferred to the state at no charge. This provision does not
366 apply to any communications services as defined in paragraph
367 (f).

368 (b) "Construction or lease" includes, but is not limited
369 to, all reasonable and necessary costs of the acquisition or
370 lease of facilities for all judicial officers, staff, jurors,
371 volunteers of a tenant agency, and the public for the circuit
372 and county courts, the public defenders' offices, state
373 attorneys' offices, and for performing the court-related
374 functions of the offices of the clerks of the circuit and county
375 courts. This includes expenses related to financing such
376 facilities and the existing and future cost and bonded
377 indebtedness associated with placing the facilities in use.

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378 (c) "Maintenance" includes, but is not limited to, all
379 reasonable and necessary costs of custodial and groundskeeping
380 services and renovation and reconstruction as needed to
381 accommodate functions for the circuit and county courts, the
382 public defenders' offices, and state attorneys' offices and for
383 performing the court-related functions of the offices of the
384 clerks of the circuit and county court and for maintaining the
385 facilities in a condition appropriate and safe for the use
386 intended.

387 (d) "Utilities" means all electricity services for light,
388 heat, and power; natural or manufactured gas services for light,
389 heat, and power; water and wastewater services and systems,
390 stormwater or runoff services and systems, sewer services and
391 systems, all costs or fees associated with these services and
392 systems, and any costs or fees associated with the mitigation of
393 environmental impacts directly related to the facility.

394 (e) "Security" includes but is not limited to, all
395 reasonable and necessary costs of services of law enforcement
396 officers or licensed security guards and all electronic,
397 cellular, or digital monitoring and screening devices necessary
398 to ensure the safety and security of all persons visiting or
399 working in a facility; to provide for security of the facility,
400 including protection of property owned by the county or the
401 state; and for security of prisoners brought to any facility.
402 This includes bailiffs while providing courtroom and other
403 security for each judge and other quasi-judicial officers.

404 (f) "Communications services" are defined as any reasonable
405 and necessary transmission, emission, and reception of signs,
406 signals, writings, images, and sounds of intelligence of any

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407 nature by wire, radio, optical, audio equipment, or other
408 electromagnetic systems and includes all facilities and
409 equipment owned, leased, or used by judges, clerks, public
410 defenders, state attorneys, guardians ad litem, criminal
411 conflict and civil regional counsel, and all staff of the state
412 courts system, state attorneys' offices, public defenders'
413 offices, and clerks of the circuit and county courts performing
414 court-related functions. Such system or services shall include,
415 but not be limited to:

416 1. Telephone system infrastructure, including computer
417 lines, telephone switching equipment, and maintenance, and
418 facsimile equipment, wireless communications, cellular
419 telephones, pagers, and video teleconferencing equipment and
420 line charges. Each county shall continue to provide access to a
421 local carrier for local and long distance service and shall pay
422 toll charges for local and long distance service.

423 2. All computer networks, systems and equipment, including
424 computer hardware and software, modems, printers, wiring,
425 network connections, maintenance, support staff or services
426 including any county-funded support staff located in the offices
427 of the circuit court, county courts, state attorneys, public
428 defenders, guardians ad litem, and criminal conflict and civil
429 regional counsel; training, supplies, and line charges necessary
430 for an integrated computer system to support the operations and
431 management of the state courts system, the offices of the public
432 defenders, the offices of the state attorneys, the guardian ad
433 litem offices, the offices of criminal conflict and civil
434 regional counsel, and the offices of the clerks of the circuit
435 and county courts; and the capability to connect those entities

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436 and reporting data to the state as required for the transmission
437 of revenue, performance accountability, case management, data
438 collection, budgeting, and auditing purposes. The integrated
439 computer system shall be operational by July 1, 2006, and, at a
440 minimum, permit the exchange of financial, performance
441 accountability, case management, case disposition, and other
442 data across multiple state and county information systems
443 involving multiple users at both the state level and within each
444 judicial circuit and be able to electronically exchange judicial
445 case background data, sentencing scoresheets, and video evidence
446 information stored in integrated case management systems over
447 secure networks. Once the integrated system becomes operational,
448 counties may reject requests to purchase communications services
449 included in this subparagraph not in compliance with standards,
450 protocols, or processes adopted by the board established
451 pursuant to former s. 29.0086.

452 3. Courier messenger and subpoena services.

453 4. Auxiliary aids and services for qualified individuals
454 with a disability which are necessary to ensure access to the
455 courts. Such auxiliary aids and services include, but are not
456 limited to, sign language interpretation services required under
457 the federal Americans with Disabilities Act other than services
458 required to satisfy due-process requirements and identified as a
459 state funding responsibility pursuant to ss. 29.004, 29.005,
460 29.006, and 29.007, real-time transcription services for
461 individuals who are hearing impaired, and assistive listening
462 devices and the equipment necessary to implement such
463 accommodations.

464 (g) "Existing radio systems" includes, but is not limited

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465 to, law enforcement radio systems that are used by the circuit
466 and county courts, the offices of the public defenders, the
467 offices of the state attorneys, and for court-related functions
468 of the offices of the clerks of the circuit and county courts.
469 This includes radio systems that were operational or under
470 contract at the time Revision No. 7, 1998, to Art. V of the
471 State Constitution was adopted and any enhancements made
472 thereafter, the maintenance of those systems, and the personnel
473 and supplies necessary for operation.

474 (h) "Existing multiagency criminal justice information
475 systems" includes, but is not limited to, those components of
476 the multiagency criminal justice information system as defined
477 in s. 943.045, supporting the offices of the circuit or county
478 courts, the public defenders' offices, the state attorneys'
479 offices, or those portions of the offices of the clerks of the
480 circuit and county courts performing court-related functions
481 that are used to carry out the court-related activities of those
482 entities. This includes upgrades and maintenance of the current
483 equipment, maintenance and upgrades of supporting technology
484 infrastructure and associated staff, and services and expenses
485 to assure continued information sharing and reporting of
486 information to the state. The counties shall also provide
487 additional information technology services, hardware, and
488 software as needed for new judges and staff of the state courts
489 system, state attorneys' offices, public defenders' offices,
490 guardian ad litem offices, and the offices of the clerks of the
491 circuit and county courts performing court-related functions.

492 Section 14. Effective January 1, 2023, for the purpose of
493 incorporating the amendment made by this act to section 35.05,

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494 Florida Statutes, in a reference thereto, subsection (1) of
495 section 35.051, Florida Statutes, is reenacted to read:

496 35.051 Subsistence and travel reimbursement for judges with
497 alternate headquarters.—

498 (1) (a) A district court of appeal judge is eligible for the
499 designation of a county courthouse or another appropriate
500 facility in his or her county of residence as his or her
501 official headquarters for purposes of s. 112.061 if the judge
502 permanently resides more than 50 miles from:

503 1. The appellate district's headquarters as prescribed
504 under s. 35.05(1), if the judge is assigned to such
505 headquarters; or

506 2. The appellate district's branch headquarters established
507 under s. 35.05(2), if the judge is assigned to such branch
508 headquarters.

509
510 The official headquarters may serve only as the judge's private
511 chambers.

512 (b)1. A district court of appeal judge for whom an official
513 headquarters is designated in his or her county of residence
514 under this subsection is eligible for subsistence at a rate to
515 be established by the Chief Justice for each day or partial day
516 that the judge is at the headquarters or branch headquarters of
517 his or her appellate district to conduct court business, as
518 authorized by the chief judge of that district court of appeal.
519 The Chief Justice may authorize a judge to choose between
520 subsistence based on lodging at a single-occupancy rate and meal
521 reimbursement as provided in s. 112.061 and subsistence at a
522 fixed rate prescribed by the Chief Justice.

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523 2. In addition to subsistence, a district court of appeal
524 judge is eligible for reimbursement for travel expenses as
525 provided in s. 112.061(7) and (8) for travel between the judge's
526 official headquarters and the headquarters or branch
527 headquarters of the appellate district to conduct court
528 business.

529 (c) Payment of subsistence and reimbursement for travel
530 expenses between the judge's official headquarters and the
531 headquarters or branch headquarters of his or her appellate
532 district shall be made to the extent that appropriated funds are
533 available, as determined by the Chief Justice.

534 Section 15. All property, including equipment, furnishings,
535 and fixtures, located at the Lakeland headquarters of the
536 current Second District Court of Appeal or being used by
537 employees assigned to the Lakeland headquarters must remain in
538 Lakeland and must be transferred to the Sixth District Court of
539 Appeal unless the Office of the State Courts Administrator
540 determines that such property is critical to the continuing
541 operations of the Second District Court of Appeal.

542 Section 16. Notwithstanding any provision to the contrary
543 in chapter 35, Florida Statutes, the Chief Justice of the
544 Supreme Court may authorize a pilot program under which the
545 Fifth and Sixth District Courts of Appeal are authorized to
546 implement innovative practices, incorporate leading
547 technologies, and provide for remote court proceedings from
548 their alternate headquarters, as authorized in s. 35.051,
549 Florida Statutes, provided that both the constitutional rights
550 of crime victims and criminal defendants and the public's
551 constitutional right of access to the courts are maintained. The

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552 pilot program expires June 30, 2025, unless otherwise provided
553 by law. The Supreme Court shall provide a report to the
554 Governor, the President of the Senate, and the Speaker of the
555 House of Representatives which includes recommendations for
556 incorporating such practices and technology in each district.

557 Section 17. Judicial appointments and commissions.—

558 (1) In order to effectuate a transition that provides for
559 uniform representation based upon the expected caseloads for
560 each district, while recognizing that the current judges'
561 residences will not necessarily correlate with the new
562 district's geographical boundaries, a period of transition must
563 be recognized. During the period from the effective date of this
564 act until December 31, 2027, it is the intent of the
565 Legislature, for purposes of the residency requirements of s. 8,
566 Article V of the State Constitution and s. 35.06, Florida
567 Statutes, that the territorial jurisdiction of each district
568 court which has been realigned shall include any contiguous
569 district court which was also realigned. The number of judges
570 authorized in s. 35.06, Florida Statutes, for each district
571 court of appeal must be filled in the following manner:

572 (a) Vacancies created by this realignment must first be
573 filled by those judges presently residing in the new district
574 whose residency has not changed since their original
575 appointment.

576 (b) If there is an insufficient number of judges pursuant
577 to paragraph (a), vacancies created by the realignment must be
578 filled by those judges who resided in the new district at the
579 time of their original appointment but who have subsequently
580 changed their residence and currently reside in a district with

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581 excess judges residing therein.

582 (c) If there is an insufficient number of judges pursuant
583 to paragraphs (a) and (b), the Supreme Court must annually
584 assign the requisite number of judges from a contiguous district
585 with an excess number of judges to a contiguous district with an
586 insufficient number of judges during the transition period.
587 Assignments from such contiguous district with excess judges
588 residing therein must be for at least a 1-year term during the
589 transition period, but assignments will terminate and judges
590 will be reassigned as vacancies occur in the district in which
591 the judge resides.

592 (d) After all judges residing in contiguous districts with
593 excess judges have been allocated, the remaining judges required
594 to meet the need as set forth in s. 35.06, Florida Statutes,
595 shall be appointed by the Governor.

596 (e) Within 1 month of the effective date of this act, any
597 judge who relocated from their county of original appointment
598 before February 1, 2022, may file a sworn statement of intent
599 with the State Courts Administrator indicating his or her desire
600 to serve permanently in the new district. Such judges remain
601 subject to assignment pursuant to paragraphs (b) and (c) until
602 vacancies occur in that district.

603 (2) Within 2 months of the effective date of this act, the
604 Supreme Court shall provide the Governor with a list of the
605 judges who will be permanently assigned to each district, those
606 who will be temporarily assigned to certain districts as of
607 January 1, 2023, and the location of the positions the Governor
608 must fill by appointment. The Governor shall request each
609 applicable judicial nominating commission to convene for the

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610 purpose of selecting and submitting names of qualified
611 individuals for consideration by the Governor in making
612 appointments. Individuals filling judgeships created by this act
613 shall be appointed by the Governor in accordance with s. 11,
614 Article V of the State Constitution.

615 (3) On January 1, 2023, the Governor shall recommission any
616 judge whose district was modified by the realignment of
617 districts pursuant to this act; except that, the recommission of
618 any judge whose district is modified by the realignment of
619 districts and is seeking retention to office at the 2022 general
620 election, and is retained by the voters at such election, shall
621 occur January 3, 2023.

622 Section 18. Except as expressly provided in this act, this
623 act shall take effect upon becoming a law.