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LEGISLATIVE ACTION

Senate

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House

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Senator Perry moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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12 35.02 First Appellate District.—The First Appellate
13 District is composed of the First, Second, Third, ~~Fourth,~~
14 Eighth, and Fourteenth Judicial Circuits.

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

17 35.03 Second Appellate District.—The Second Appellate
18 District is composed of the Sixth, ~~Tenth,~~ Twelfth, and
19 Thirteenth, ~~and Twentieth~~ Judicial Circuits.

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

22 35.043 Fifth Appellate District.—The Fifth Appellate
23 District is composed of the Fourth, Fifth, Seventh, ~~Ninth,~~ and
24 Eighteenth Judicial Circuits.

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

27 35.044 Sixth Appellate District.—The Sixth Appellate
28 District is composed of the Ninth, Tenth, and Twentieth Judicial
29 Circuits.

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

32 35.05 Headquarters.—

33 (1) The headquarters of the First Appellate District shall
34 be in the Second Judicial Circuit, Tallahassee, Leon County; of
35 the Second Appellate District in the Sixth ~~Tenth~~ Judicial
36 Circuit, Pinellas Lakeland, ~~Polk~~ County; of the Third Appellate
37 District in the Eleventh Judicial Circuit, Miami-Dade County; of
38 the Fourth Appellate District in the Fifteenth Judicial Circuit,
39 Palm Beach County; of and the Fifth Appellate District in the
40 Seventh Judicial Circuit, Daytona Beach, Volusia County; and of



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41 the Sixth Appellate District in the Tenth Judicial Circuit,
42 Lakeland, Polk County. Although each district must have a
43 headquarters as set forth in this subsection, the Legislature
44 intends for policies and practices to be implemented to
45 encourage top applicants for judicial vacancies from throughout
46 each entire district and to provide opportunities for remote
47 workplaces for judges and staff who may not live near the
48 headquarters of the district. Further, it is the intent of the
49 Legislature to ensure that the district courts operate as
50 efficiently as possible through the use of leading technologies
51 and by adopting policies and practices that encourage innovation
52 and workforce flexibility.

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

55 35.06 Organization of district courts of appeal.—A district
56 court of appeal shall be organized in each of the six ~~five~~
57 appellate districts to be named District Court of Appeal,
58 District. The number of judges of each district court of appeal
59 shall be as follows:

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

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

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

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

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

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

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

68 27.51 Duties of public defender.—

69 (4) The public defender for the judicial circuit specified



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70 in this subsection shall, after the record on appeal is
71 transmitted to the appellate court by the office of the public
72 defender which handled the trial and if requested by any public
73 defender within the indicated appellate district, handle all
74 circuit court and county court appeals within the state courts
75 system and any authorized appeals to the federal courts required
76 of the official making such request:

77 (a) Public defender of the second judicial circuit, on
78 behalf of any public defender within the district comprising the
79 First District Court of Appeal.

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

83 (c) Public defender of the eleventh judicial circuit, on
84 behalf of any public defender within the district comprising the
85 Third District Court of Appeal.

86 (d) Public defender of the fifteenth judicial circuit, on
87 behalf of any public defender within the district comprising the
88 Fourth District Court of Appeal.

89 (e) Public defender of the seventh judicial circuit, on
90 behalf of any public defender within the district comprising the
91 Fifth District Court of Appeal.

92 (f) Public defender of the tenth judicial circuit, on
93 behalf of any public defender within the district comprising the
94 Sixth District Court of Appeal.

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

98 27.511 Offices of criminal conflict and civil regional



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99 counsel; legislative intent; qualifications; appointment;
100 duties.—

101 (1) It is the intent of the Legislature to provide adequate
102 representation to persons entitled to court-appointed counsel
103 under the Federal or State Constitution or as authorized by
104 general law. It is the further intent of the Legislature to
105 provide adequate representation in a fiscally sound manner,
106 while safeguarding constitutional principles. Therefore, an
107 office of criminal conflict and civil regional counsel is
108 created within the geographic boundaries of each of the six ~~five~~
109 district courts of appeal. The regional counsel shall be
110 appointed as set forth in subsection (3) for each of the six
111 ~~five~~ regional offices.

112 (3) (a) Each regional counsel must be, and must have been
113 for the preceding 5 years, a member in good standing of The
114 Florida Bar. Each regional counsel shall be appointed by the
115 Governor and is subject to confirmation by the Senate. The
116 Supreme Court Judicial Nominating Commission, in addition to the
117 current regional counsel, shall recommend to the Governor not
118 fewer than two or more than six ~~five~~ additional qualified
119 candidates for appointment to each of the six ~~five~~ regional
120 counsel positions. The Governor shall appoint the regional
121 counsel for the six ~~five~~ regions from among the recommendations,
122 or, if it is in the best interest of the fair administration of
123 justice, the Governor may reject the nominations and request
124 that the Supreme Court Judicial Nominating Commission submit
125 three new nominees. The regional counsel shall be appointed to a
126 term of 4 years, the term beginning on October 1, 2015.
127 Vacancies shall be filled in the manner provided in paragraph



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128 (b) .

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

131 27.53 Appointment of assistants and other staff; method of
132 payment.-

133 (4) The six ~~five~~ criminal conflict and civil regional
134 counsel may employ and establish, in the numbers authorized by
135 the General Appropriations Act, assistant regional counsel and
136 other staff and personnel in each judicial district pursuant to
137 s. 29.006, who shall be paid from funds appropriated for that
138 purpose. Notwithstanding s. 790.01, s. 790.02, or s.
139 790.25(2) (a), an investigator employed by an office of criminal
140 conflict and civil regional counsel, while actually carrying out
141 official duties, is authorized to carry concealed weapons if the
142 investigator complies with s. 790.25(3) (o). However, such
143 investigators are not eligible for membership in the Special
144 Risk Class of the Florida Retirement System. The six ~~five~~
145 regional counsel shall jointly develop recommended modifications
146 to the classification plan and the salary and benefits plan for
147 the Justice Administrative Commission. The recommendations shall
148 be submitted to the commission, the office of the President of
149 the Senate, and the office of the Speaker of the House of
150 Representatives before January 1 of each year. Such
151 recommendations shall be developed in accordance with policies
152 and procedures of the Executive Office of the Governor
153 established in s. 216.181. Each assistant regional counsel
154 appointed by the regional counsel under this section shall serve
155 at the pleasure of the regional counsel. Each investigator
156 employed by the regional counsel shall have full authority to



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157 serve any witness subpoena or court order issued by any court or
158 judge in a criminal case in which the regional counsel has been
159 appointed to represent the accused.

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

162 29.001 State courts system elements and definitions.—

163 (1) For the purpose of implementing s. 14, Art. V of the
164 State Constitution, the state courts system is defined to
165 include the enumerated elements of the Supreme Court, district
166 courts of appeal, circuit courts, county courts, and certain
167 supports thereto. The offices of public defenders and state
168 attorneys are defined to include the enumerated elements of the
169 20 state attorneys' offices and the enumerated elements of the
170 20 public defenders' offices and six ~~five~~ offices of criminal
171 conflict and civil regional counsel. Court-appointed counsel are
172 defined to include the enumerated elements for counsel appointed
173 to ensure due process in criminal and civil proceedings in
174 accordance with state and federal constitutional guarantees.
175 Funding for the state courts system, the state attorneys'
176 offices, the public defenders' offices, the offices of criminal
177 conflict and civil regional counsel, and other court-appointed
178 counsel shall be provided from state revenues appropriated by
179 general law.

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

183 440.45 Office of the Judges of Compensation Claims.—

184 (2)

185 (b) Except as provided in paragraph (c), the Governor shall



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186 appoint a judge of compensation claims from a list of three
187 persons nominated by a statewide nominating commission. The
188 statewide nominating commission shall be composed of the
189 following:

190 1. Six ~~Five~~ members, at least one of whom must be a member
191 of a minority group as defined in s. 288.703, one of each who
192 resides in each of the territorial jurisdictions of the district
193 courts of appeal, appointed by the Board of Governors of The
194 Florida Bar from among The Florida Bar members ~~who are engaged~~
195 in the practice of law. ~~The Board of Governors shall appoint~~
196 ~~members who reside in the odd-numbered district court of appeal~~
197 ~~jurisdictions to 4-year terms each, beginning July 1, 1999, and~~
198 ~~members who reside in the even-numbered district court of appeal~~
199 ~~jurisdictions to 2-year terms each, beginning July 1, 1999.~~
200 ~~Thereafter,~~ Each member shall be appointed for a 4-year term;

201 2. Six ~~Five~~ electors, at least one of whom must be a member
202 of a minority group as defined in s. 288.703, one of each who
203 resides in each of the territorial jurisdictions of the district
204 courts of appeal, appointed by the Governor. ~~The Governor shall~~
205 ~~appoint members who reside in the odd-numbered district court of~~
206 ~~appeal jurisdictions to 2-year terms each, beginning July 1,~~
207 ~~1999, and members who reside in the even-numbered district court~~
208 ~~of appeal jurisdictions to 4-year terms each, beginning July 1,~~
209 ~~1999. Thereafter,~~ Each member shall be appointed for a 4-year
210 term; and

211 3. Six ~~Five~~ electors, at least one of whom must be a member
212 of a minority group as defined in s. 288.703, one of each who
213 resides in the territorial jurisdictions of the district courts
214 of appeal, selected and appointed by a majority vote of the



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215 other 10 members of the commission. ~~A majority of the other~~
216 ~~members of the commission shall appoint members who reside in~~
217 ~~the odd-numbered district court of appeal jurisdictions to 2-~~
218 ~~year terms each, beginning October 1, 1999, and members who~~
219 ~~reside in the even-numbered district court of appeal~~
220 ~~jurisdictions to 4-year terms each, beginning October 1, 1999.~~
221 ~~Thereafter,~~ Each member shall be appointed for a 4-year term.

222
223 A vacancy occurring on the commission shall be filled by the
224 original appointing authority for the unexpired balance of the
225 term. An ~~No~~ attorney who appears before any judge of
226 compensation claims more than four times a year is not eligible
227 to serve on the statewide nominating commission. The meetings
228 and determinations of the nominating commission as to the judges
229 of compensation claims shall be open to the public.

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

234 29.008 County funding of court-related functions.—

235 (1) Counties are required by s. 14, Art. V of the State
236 Constitution to fund the cost of communications services,
237 existing radio systems, existing multiagency criminal justice
238 information systems, and the cost of construction or lease,
239 maintenance, utilities, and security of facilities for the
240 circuit and county courts, public defenders' offices, state
241 attorneys' offices, guardian ad litem offices, and the offices
242 of the clerks of the circuit and county courts performing court-
243 related functions. For purposes of this section, the term



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244 "circuit and county courts" includes the offices and staffing of
245 the guardian ad litem programs, and the term "public defenders'
246 offices" includes the offices of criminal conflict and civil
247 regional counsel. The county designated under s. 35.05(1) as the
248 headquarters for each appellate district shall fund these costs
249 for the appellate division of the public defender's office in
250 that county. For purposes of implementing these requirements,
251 the term:

252 (a) "Facility" means reasonable and necessary buildings and
253 office space and appurtenant equipment and furnishings,
254 structures, real estate, easements, and related interests in
255 real estate, including, but not limited to, those for the
256 purpose of housing legal materials for use by the general public
257 and personnel, equipment, or functions of the circuit or county
258 courts, public defenders' offices, state attorneys' offices, and
259 court-related functions of the office of the clerks of the
260 circuit and county courts and all storage. The term "facility"
261 includes all wiring necessary for court reporting services. The
262 term also includes access to parking for such facilities in
263 connection with such court-related functions that may be
264 available free or from a private provider or a local government
265 for a fee. The office space provided by a county may not be less
266 than the standards for space allotment adopted by the Department
267 of Management Services, except this requirement applies only to
268 facilities that are leased, or on which construction commences,
269 after June 30, 2003. County funding must include physical
270 modifications and improvements to all facilities as are required
271 for compliance with the Americans with Disabilities Act. Upon
272 mutual agreement of a county and the affected entity in this



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273 paragraph, the office space provided by the county may vary from
274 the standards for space allotment adopted by the Department of
275 Management Services.

276 1. As of July 1, 2005, equipment and furnishings shall be
277 limited to that appropriate and customary for courtrooms,
278 hearing rooms, jury facilities, and other public areas in
279 courthouses and any other facility occupied by the courts, state
280 attorneys, public defenders, guardians ad litem, and criminal
281 conflict and civil regional counsel. Court reporting equipment
282 in these areas or facilities is not a responsibility of the
283 county.

284 2. Equipment and furnishings under this paragraph in
285 existence and owned by counties on July 1, 2005, except for that
286 in the possession of the clerks, for areas other than
287 courtrooms, hearing rooms, jury facilities, and other public
288 areas in courthouses and any other facility occupied by the
289 courts, state attorneys, and public defenders, shall be
290 transferred to the state at no charge. This provision does not
291 apply to any communications services as defined in paragraph
292 (f).

293 (b) "Construction or lease" includes, but is not limited
294 to, all reasonable and necessary costs of the acquisition or
295 lease of facilities for all judicial officers, staff, jurors,
296 volunteers of a tenant agency, and the public for the circuit
297 and county courts, the public defenders' offices, state
298 attorneys' offices, and for performing the court-related
299 functions of the offices of the clerks of the circuit and county
300 courts. This includes expenses related to financing such
301 facilities and the existing and future cost and bonded



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302 indebtedness associated with placing the facilities in use.

303 (c) "Maintenance" includes, but is not limited to, all
304 reasonable and necessary costs of custodial and groundskeeping
305 services and renovation and reconstruction as needed to
306 accommodate functions for the circuit and county courts, the
307 public defenders' offices, and state attorneys' offices and for
308 performing the court-related functions of the offices of the
309 clerks of the circuit and county court and for maintaining the
310 facilities in a condition appropriate and safe for the use
311 intended.

312 (d) "Utilities" means all electricity services for light,
313 heat, and power; natural or manufactured gas services for light,
314 heat, and power; water and wastewater services and systems,
315 stormwater or runoff services and systems, sewer services and
316 systems, all costs or fees associated with these services and
317 systems, and any costs or fees associated with the mitigation of
318 environmental impacts directly related to the facility.

319 (e) "Security" includes but is not limited to, all
320 reasonable and necessary costs of services of law enforcement
321 officers or licensed security guards and all electronic,
322 cellular, or digital monitoring and screening devices necessary
323 to ensure the safety and security of all persons visiting or
324 working in a facility; to provide for security of the facility,
325 including protection of property owned by the county or the
326 state; and for security of prisoners brought to any facility.
327 This includes bailiffs while providing courtroom and other
328 security for each judge and other quasi-judicial officers.

329 (f) "Communications services" are defined as any reasonable
330 and necessary transmission, emission, and reception of signs,



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331 signals, writings, images, and sounds of intelligence of any
332 nature by wire, radio, optical, audio equipment, or other
333 electromagnetic systems and includes all facilities and
334 equipment owned, leased, or used by judges, clerks, public
335 defenders, state attorneys, guardians ad litem, criminal
336 conflict and civil regional counsel, and all staff of the state
337 courts system, state attorneys' offices, public defenders'
338 offices, and clerks of the circuit and county courts performing
339 court-related functions. Such system or services shall include,
340 but not be limited to:

341 1. Telephone system infrastructure, including computer
342 lines, telephone switching equipment, and maintenance, and
343 facsimile equipment, wireless communications, cellular
344 telephones, pagers, and video teleconferencing equipment and
345 line charges. Each county shall continue to provide access to a
346 local carrier for local and long distance service and shall pay
347 toll charges for local and long distance service.

348 2. All computer networks, systems and equipment, including
349 computer hardware and software, modems, printers, wiring,
350 network connections, maintenance, support staff or services
351 including any county-funded support staff located in the offices
352 of the circuit court, county courts, state attorneys, public
353 defenders, guardians ad litem, and criminal conflict and civil
354 regional counsel; training, supplies, and line charges necessary
355 for an integrated computer system to support the operations and
356 management of the state courts system, the offices of the public
357 defenders, the offices of the state attorneys, the guardian ad
358 litem offices, the offices of criminal conflict and civil
359 regional counsel, and the offices of the clerks of the circuit



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360 and county courts; and the capability to connect those entities
361 and reporting data to the state as required for the transmission
362 of revenue, performance accountability, case management, data
363 collection, budgeting, and auditing purposes. The integrated
364 computer system shall be operational by July 1, 2006, and, at a
365 minimum, permit the exchange of financial, performance
366 accountability, case management, case disposition, and other
367 data across multiple state and county information systems
368 involving multiple users at both the state level and within each
369 judicial circuit and be able to electronically exchange judicial
370 case background data, sentencing scoresheets, and video evidence
371 information stored in integrated case management systems over
372 secure networks. Once the integrated system becomes operational,
373 counties may reject requests to purchase communications services
374 included in this subparagraph not in compliance with standards,
375 protocols, or processes adopted by the board established
376 pursuant to former s. 29.0086.

377 3. Courier messenger and subpoena services.

378 4. Auxiliary aids and services for qualified individuals
379 with a disability which are necessary to ensure access to the
380 courts. Such auxiliary aids and services include, but are not
381 limited to, sign language interpretation services required under
382 the federal Americans with Disabilities Act other than services
383 required to satisfy due-process requirements and identified as a
384 state funding responsibility pursuant to ss. 29.004, 29.005,
385 29.006, and 29.007, real-time transcription services for
386 individuals who are hearing impaired, and assistive listening
387 devices and the equipment necessary to implement such
388 accommodations.



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389 (g) "Existing radio systems" includes, but is not limited
390 to, law enforcement radio systems that are used by the circuit
391 and county courts, the offices of the public defenders, the
392 offices of the state attorneys, and for court-related functions
393 of the offices of the clerks of the circuit and county courts.
394 This includes radio systems that were operational or under
395 contract at the time Revision No. 7, 1998, to Art. V of the
396 State Constitution was adopted and any enhancements made
397 thereafter, the maintenance of those systems, and the personnel
398 and supplies necessary for operation.

399 (h) "Existing multiagency criminal justice information
400 systems" includes, but is not limited to, those components of
401 the multiagency criminal justice information system as defined
402 in s. 943.045, supporting the offices of the circuit or county
403 courts, the public defenders' offices, the state attorneys'
404 offices, or those portions of the offices of the clerks of the
405 circuit and county courts performing court-related functions
406 that are used to carry out the court-related activities of those
407 entities. This includes upgrades and maintenance of the current
408 equipment, maintenance and upgrades of supporting technology
409 infrastructure and associated staff, and services and expenses
410 to assure continued information sharing and reporting of
411 information to the state. The counties shall also provide
412 additional information technology services, hardware, and
413 software as needed for new judges and staff of the state courts
414 system, state attorneys' offices, public defenders' offices,
415 guardian ad litem offices, and the offices of the clerks of the
416 circuit and county courts performing court-related functions.

417 Section 14. Effective January 1, 2023, for the purpose of



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418 incorporating the amendment made by this act to section 35.05,
419 Florida Statutes, in a reference thereto, subsection (1) of
420 section 35.051, Florida Statutes, is reenacted to read:

421 35.051 Subsistence and travel reimbursement for judges with
422 alternate headquarters.-

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

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

431 2. The appellate district's branch headquarters established
432 under s. 35.05(2), if the judge is assigned to such branch
433 headquarters.

434

435 The official headquarters may serve only as the judge's private
436 chambers.

437 (b)1. A district court of appeal judge for whom an official
438 headquarters is designated in his or her county of residence
439 under this subsection is eligible for subsistence at a rate to
440 be established by the Chief Justice for each day or partial day
441 that the judge is at the headquarters or branch headquarters of
442 his or her appellate district to conduct court business, as
443 authorized by the chief judge of that district court of appeal.

444 The Chief Justice may authorize a judge to choose between
445 subsistence based on lodging at a single-occupancy rate and meal
446 reimbursement as provided in s. 112.061 and subsistence at a



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447 fixed rate prescribed by the Chief Justice.

448 2. In addition to subsistence, a district court of appeal
449 judge is eligible for reimbursement for travel expenses as
450 provided in s. 112.061(7) and (8) for travel between the judge's
451 official headquarters and the headquarters or branch
452 headquarters of the appellate district to conduct court
453 business.

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

459 Section 15. All property, including equipment, furnishings,
460 and fixtures, located at the Lakeland headquarters of the
461 current Second District Court of Appeal or being used by
462 employees assigned to the Lakeland headquarters must remain in
463 Lakeland and must be transferred to the Sixth District Court of
464 Appeal unless the Office of the State Courts Administrator
465 determines that such property is critical to the continuing
466 operations of the Second District Court of Appeal.

467 Section 16. Notwithstanding any provision to the contrary
468 in chapter 35, Florida Statutes, the Chief Justice of the
469 Supreme Court may authorize a pilot program under which the
470 Fifth and Sixth District Courts of Appeal are authorized to
471 implement innovative practices, incorporate leading
472 technologies, and provide for remote court proceedings from
473 their alternate headquarters, as authorized in s. 35.051,
474 Florida Statutes, provided that both the constitutional rights
475 of crime victims and criminal defendants and the public's



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476 constitutional right of access to the courts are maintained. The
477 pilot program expires June 30, 2025, unless otherwise provided
478 by law. The Supreme Court shall provide a report to the
479 Governor, the President of the Senate, and the Speaker of the
480 House of Representatives which includes recommendations for
481 incorporating such practices and technology in each district.

482 Section 17. Judicial appointments and commissions.-

483 (1) In order to effectuate a transition that provides for
484 uniform representation based upon the expected caseloads for
485 each district, while recognizing that the current judges'
486 residences will not necessarily correlate with the new
487 district's geographical boundaries, a period of transition must
488 be recognized. During the period from the effective date of this
489 act until December 31, 2027, it is the intent of the
490 Legislature, for purposes of the residency requirements of s. 8,
491 Article V of the State Constitution and s. 35.06, Florida
492 Statutes, that the territorial jurisdiction of each district
493 court which has been realigned shall include any contiguous
494 district court which was also realigned. The number of judges
495 authorized in s. 35.06, Florida Statutes, for each district
496 court of appeal must be filled in the following manner:

497 (a) Vacancies created by this realignment must first be
498 filled by those judges presently residing in the new district
499 whose residency has not changed since their original
500 appointment.

501 (b) If there is an insufficient number of judges pursuant
502 to paragraph (a), vacancies created by the realignment must be
503 filled by those judges who resided in the new district at the
504 time of their original appointment but who have subsequently



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505 changed their residence and currently reside in a district with
506 excess judges residing therein.

507 (c) If there is an insufficient number of judges pursuant
508 to paragraphs (a) and (b), the Supreme Court must annually
509 assign the requisite number of judges from a contiguous district
510 with an excess number of judges to a contiguous district with an
511 insufficient number of judges during the transition period.

512 Assignments from such contiguous district with excess judges
513 residing therein must be for at least a 1-year term during the
514 transition period, but assignments will terminate and judges
515 will be reassigned as vacancies occur in the district in which
516 the judge resides.

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

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

528 (2) Within 2 months of the effective date of this act, the
529 Supreme Court shall provide the Governor with a list of the
530 judges who will be permanently assigned to each district, those
531 who will be temporarily assigned to certain districts as of
532 January 1, 2023, and the location of the positions the Governor
533 must fill by appointment. The Governor shall request each



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534 applicable judicial nominating commission to convene for the
535 purpose of selecting and submitting names of qualified
536 individuals for consideration by the Governor in making
537 appointments. Individuals filling judgeships created by this act
538 shall be appointed by the Governor in accordance with s. 11,
539 Article V of the State Constitution.

540 (3) On January 1, 2023, the Governor shall recommission any
541 judge whose district was modified by the realignment of
542 districts pursuant to this act; except that, the recommission of
543 any judge whose district is modified by the realignment of
544 districts and is seeking retention to office at the 2022 general
545 election, and is retained by the voters at such election, shall
546 occur January 3, 2023.

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

549
550 ===== T I T L E A M E N D M E N T =====

551 And the title is amended as follows:

552 Delete everything before the enacting clause
553 and insert:

554 A bill to be entitled
555 An act relating to district courts of appeal; amending
556 s. 35.01, F.S.; revising the number of district courts
557 of appeal from five to six; amending s. 35.02, F.S.;
558 realigning the First Appellate District; amending s.
559 35.03, F.S.; realigning the Second Appellate District;
560 amending s. 35.043, F.S.; realigning the Fifth
561 Appellate District; creating s. 35.044, F.S.; creating
562 the Sixth Appellate District; amending s. 35.05, F.S.;



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563 revising the headquarters of the Second Appellate
564 District; establishing the headquarters of the Sixth
565 Appellate District; providing legislative intent;
566 amending s. 35.06, F.S.; revising the number of judges
567 in the present appellate districts; providing the
568 number of judges for the Sixth Appellate District;
569 amending s. 27.51, F.S.; revising which offices of the
570 public defender handle appellate duties in an
571 appellate district; assigning the public defender of
572 the tenth judicial circuit to the Sixth Appellate
573 District; amending s. 27.511, F.S.; revising the
574 number of criminal conflict and civil regional counsel
575 offices to conform to changes made by the act;
576 amending s. 27.53, F.S.; revising the number of
577 criminal conflict and civil regional counsel offices
578 for appointments of assistants, staff, and method of
579 payment to conform to changes made by the act;
580 amending s. 29.001, F.S.; revising certain state
581 courts system definitions to conform to changes made
582 by the act; amending s. 440.45, F.S.; revising the
583 number of electors for the statewide nominating
584 commission for the Office of the Judges of
585 Compensation Claims; deleting obsolete language;
586 reenacting s. 29.008(1), F.S., relating to county
587 funding of court-related functions, to incorporate the
588 amendment made to s. 35.05, Florida Statutes, in a
589 reference thereto; reenacting s. 35.051(1), F.S.,
590 relating to subsistence and travel reimbursement for
591 judges with alternate headquarters, to incorporate the



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592 amendment made to s. 35.05, Florida Statutes, in a
593 reference thereto; requiring all specified property
594 located in the Lakeland headquarters of the current
595 Second District Court of Appeal or in use by employees
596 assigned to such headquarters to be transferred to the
597 Sixth District Court of Appeal unless a certain
598 finding is made by the Office of the State Courts
599 Administrator; authorizing the Chief Justice to
600 authorize a specified pilot program under which judges
601 in specified districts may implement innovative
602 practices, incorporate leading technologies, and
603 provide for remote court proceedings, subject to a
604 specified condition; providing for expiration of the
605 pilot program; requiring the Supreme Court to provide
606 a certain report to the Governor and the Legislature;
607 providing for a transitional period; providing
608 legislative intent; providing the manner in which
609 judicial vacancies in each district court of appeal
610 must be filled; providing a priority for how such
611 vacancies must be filled; requiring the Supreme Court
612 to allocate judges during a specified timeframe for at
613 least a specified term; requiring the Governor to
614 appoint judges to fill any remaining vacancies;
615 authorizing certain judges who wish to serve
616 permanently in the new district to serve a specified
617 notice within a specified timeframe upon the State
618 Courts Administrator; providing that such judges are
619 subject to assignment; requiring the Supreme Court,
620 within a specified timeframe, to provide a certain



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621 list to the Governor; requiring the Governor to
622 request that the applicable judicial nominating
623 commissions convene for a specified purpose; requiring
624 that individuals filling such vacancies be appointed
625 subject to a specified provision of the State
626 Constitution; requiring the Governor to recommission
627 any judge whose district was modified by the
628 realignment of districts pursuant to the act by a
629 specified date; providing effective dates.