

26 | to incorporate the amendment made to s. 35.05, Florida
 27 | Statutes, in a reference thereto; requiring all
 28 | specified property located in the Lakeland
 29 | headquarters of the current Second District Court of
 30 | Appeal or in use by employees assigned to such
 31 | headquarters to be transferred to the Sixth District
 32 | Court of Appeal unless a certain finding is made by
 33 | the Office of the State Courts Administrator;
 34 | providing construction; requiring the reallocation of
 35 | judges residing within districts realigned by the act;
 36 | requiring the Governor to recommission certain judges
 37 | on specified dates; authorizing a temporary
 38 | headquarters for a specified Appellate district;
 39 | providing for the termination of the terms of members
 40 | of certain judicial nominating commissions; requiring
 41 | the Governor to make appointments to specified
 42 | judicial nominating commissions; providing
 43 | requirements for such appointments; authorizing
 44 | members of specified nominating commissions to apply
 45 | for appointment; providing effective dates.

46 |
 47 | Be It Enacted by the Legislature of the State of Florida:
 48 |

49 | Section 1. Effective January 1, 2023, paragraph (b) of
 50 | subsection (4) of section 27.51, Florida Statutes, is amended to

51 read:

52 27.51 Duties of public defender.—

53 (4) The public defender for the judicial circuit specified
54 in this subsection shall, after the record on appeal is
55 transmitted to the appellate court by the office of the public
56 defender which handled the trial and if requested by any public
57 defender within the indicated appellate district, handle all
58 circuit court and county court appeals within the state courts
59 system and any authorized appeals to the federal courts required
60 of the official making such request:

61 (b) Public defender of the tenth judicial circuit, on
62 behalf of any public defender within the districts ~~district~~
63 comprising the Second District Court of Appeal and Sixth
64 District Court of Appeal.

65 Section 2. Effective January 1, 2023, subsection (1) of
66 section 27.511, Florida Statutes, is amended to read:

67 27.511 Offices of criminal conflict and civil regional
68 counsel; legislative intent; qualifications; appointment;
69 duties.—

70 (1) It is the intent of the Legislature to provide
71 adequate representation to persons entitled to court-appointed
72 counsel under the Federal or State Constitution or as authorized
73 by general law. It is the further intent of the Legislature to
74 provide adequate representation in a fiscally sound manner,
75 while safeguarding constitutional principles. Therefore, an

76 office of criminal conflict and civil regional counsel is
 77 created within the geographic boundaries of each of ~~the~~ five
 78 regions of the state ~~district courts of appeal~~. The regional
 79 counsel shall be appointed as set forth in subsection (3) for
 80 each of the five regional offices. For the purposes of an office
 81 of criminal conflict and civil regional counsel, the state is
 82 divided into five geographic regions by judicial circuit as
 83 follows:

84 (a) The first region consists of the first, second, third,
 85 fourth, eighth, and fourteenth circuits.

86 (b) The second region consists of the sixth, tenth,
 87 twelfth, thirteenth, and twentieth circuits.

88 (c) The third region consists of the eleventh and
 89 sixteenth circuits.

90 (d) The fourth region consists of the fifteenth,
 91 seventeenth, and nineteenth circuits.

92 (e) The fifth region consists of the fifth, seventh,
 93 ninth, and eighteenth circuits.

94 Section 3. Effective July 1, 2022, subsection (34) of
 95 section 34.022, Florida Statutes, is amended to read:

96 34.022 Number of county court judges for each county.—The
 97 number of county court judges in each county shall be as
 98 follows:

99 COUNTY	TOTAL
100 (34) Lake.....	43

101 Section 4. Effective January 1, 2023, section 35.01,
 102 Florida Statutes, is amended to read:

103 35.01 District courts of appeal; districts.—~~Six Five~~
 104 district courts of appeal are created, and the state is divided
 105 into six ~~five~~ appellate districts of contiguous circuits.
 106

107 Section 5. Effective January 1, 2023, section 35.02,
 108 Florida Statutes, is amended to read:

109 35.02 First Appellate District.—The First Appellate
 110 District is composed of the First, Second, Third, ~~Fourth,~~
 111 Eighth, and Fourteenth Judicial Circuits.

112 Section 6. Effective January 1, 2023, section 35.03,
 113 Florida Statutes, is amended to read:

114 35.03 Second Appellate District.—The Second Appellate
 115 District is composed of the Sixth, ~~Tenth,~~ Twelfth, and
 116 Thirteenth, ~~and Twentieth~~ Judicial Circuits.

117 Section 7. Effective January 1, 2023, section 35.043,
 118 Florida Statutes, is amended to read:

119 35.043 Fifth Appellate District.—The Fifth Appellate
 120 District is composed of the Fourth, Fifth, Seventh, ~~Ninth,~~ and
 121 Eighteenth Judicial Circuits.

122 Section 8. Effective January 1, 2023, section 35.044,
 123 Florida Statutes, is created to read:

124 35.044 Sixth Appellate District.—The Sixth Appellate
 125 District is composed of the Ninth, Tenth, and Twentieth Judicial

126 Circuits.

127 Section 9. Effective January 1, 2023, subsection (1) of
 128 section 35.05, Florida Statutes, is amended to read:

129 35.05 Headquarters.—

130 (1) The headquarters of the First Appellate District shall
 131 be in the Second Judicial Circuit, Tallahassee, Leon County; of
 132 the Second Appellate District in the Sixth ~~Tenth~~ Judicial
 133 Circuit, Pinellas ~~Lakeland, Polk~~ County; of the Third Appellate
 134 District in the Eleventh Judicial Circuit, Miami-Dade County; of
 135 the Fourth Appellate District in the Fifteenth Judicial Circuit,
 136 Palm Beach County; of and ~~and~~ the Fifth Appellate District in the
 137 Seventh Judicial Circuit, Daytona Beach, Volusia County; and of
 138 the Sixth Appellate District in the Tenth Judicial Circuit,
 139 Lakeland, Polk County. Although each district must have a
 140 headquarters as set forth in this subsection, the Legislature
 141 intends for policies and practices to be implemented to
 142 encourage top applicants for judicial vacancies from throughout
 143 each entire district and to provide opportunities for remote
 144 workplaces for judges and staff who may not live near the
 145 headquarters of the district. Further, it is the intent of the
 146 Legislature to ensure that the district courts operate as
 147 efficiently as possible through the use of leading technologies
 148 and by adopting policies and practices that encourage innovation
 149 and workforce flexibility.

150 Section 10. Effective January 1, 2023, section 35.06,

151 Florida Statutes, is amended to read:

152 35.06 Organization of district courts of appeal.—A
 153 district court of appeal shall be organized in each of the six
 154 ~~five~~ appellate districts to be named District Court of Appeal,
 155 District. The number of judges of each district court of
 156 appeal shall be as follows:

- 157 (1) In the first district there shall be 13 ~~15~~ judges.
- 158 (2) In the second district there shall be 15 ~~16~~ judges.
- 159 (3) In the third district there shall be 10 judges.
- 160 (4) In the fourth district there shall be 12 judges.
- 161 (5) In the fifth district there shall be 12 ~~11~~ judges.
- 162 (6) In the sixth district there shall be 9 judges.

163 Section 11. Effective January 1, 2023, paragraph (b) of
 164 subsection (2) of section 440.45, Florida Statutes, is amended
 165 to read:

166 440.45 Office of the Judges of Compensation Claims.—

167 (2)

168 (b) Except as provided in paragraph (c), the Governor
 169 shall appoint a judge of compensation claims from a list of
 170 three persons nominated by a statewide nominating commission.
 171 The statewide nominating commission shall be composed of the
 172 following:

- 173 1. Six ~~Five~~ members, at least one of whom must be a member
 174 of a minority group as defined in s. 288.703, one of each who
 175 resides in each of the territorial jurisdictions of the district

176 courts of appeal, appointed by the Board of Governors of The
177 Florida Bar from among The Florida Bar members ~~who are~~ engaged
178 in the practice of law. ~~The Board of Governors shall appoint~~
179 ~~members who reside in the odd-numbered district court of appeal~~
180 ~~jurisdictions to 4-year terms each, beginning July 1, 1999, and~~
181 ~~members who reside in the even-numbered district court of appeal~~
182 ~~jurisdictions to 2-year terms each, beginning July 1, 1999.~~
183 ~~Thereafter,~~ Each member shall be appointed for a 4-year term;

184 2. Six ~~Five~~ electors, at least one of whom must be a
185 member of a minority group as defined in s. 288.703, one of each
186 who resides in each of the territorial jurisdictions of the
187 district courts of appeal, appointed by the Governor. ~~The~~
188 ~~Governor shall appoint members who reside in the odd-numbered~~
189 ~~district court of appeal jurisdictions to 2-year terms each,~~
190 ~~beginning July 1, 1999, and members who reside in the even-~~
191 ~~numbered district court of appeal jurisdictions to 4-year terms~~
192 ~~each, beginning July 1, 1999. Thereafter,~~ Each member shall be
193 appointed for a 4-year term; and

194 3. Six ~~Five~~ electors, at least one of whom must be a
195 member of a minority group as defined in s. 288.703, one of each
196 who resides in the territorial jurisdictions of the district
197 courts of appeal, selected and appointed by a majority vote of
198 the other 10 members of the commission. ~~A majority of the other~~
199 ~~members of the commission shall appoint members who reside in~~
200 ~~the odd-numbered district court of appeal jurisdictions to 2-~~

201 ~~year terms each, beginning October 1, 1999, and members who~~
 202 ~~reside in the even-numbered district court of appeal~~
 203 ~~jurisdictions to 4-year terms each, beginning October 1, 1999.~~
 204 ~~Thereafter,~~ Each member shall be appointed for a 4-year term.

205
 206 A vacancy occurring on the commission shall be filled by the
 207 original appointing authority for the unexpired balance of the
 208 term. An ~~No~~ attorney who appears before any judge of
 209 compensation claims more than four times a year is not eligible
 210 to serve on the statewide nominating commission. The meetings
 211 and determinations of the nominating commission as to the judges
 212 of compensation claims shall be open to the public.

213 Section 12. Effective January 1, 2023, for the purpose of
 214 incorporating the amendment made by this act to section 35.05,
 215 Florida Statutes, in a reference thereto, subsection (1) of
 216 section 29.008, Florida Statutes, is reenacted to read:

217 29.008 County funding of court-related functions.—
 218 (1) Counties are required by s. 14, Art. V of the State
 219 Constitution to fund the cost of communications services,
 220 existing radio systems, existing multiagency criminal justice
 221 information systems, and the cost of construction or lease,
 222 maintenance, utilities, and security of facilities for the
 223 circuit and county courts, public defenders' offices, state
 224 attorneys' offices, guardian ad litem offices, and the offices
 225 of the clerks of the circuit and county courts performing court-

226 related functions. For purposes of this section, the term
 227 "circuit and county courts" includes the offices and staffing of
 228 the guardian ad litem programs, and the term "public defenders'
 229 offices" includes the offices of criminal conflict and civil
 230 regional counsel. The county designated under s. 35.05(1) as the
 231 headquarters for each appellate district shall fund these costs
 232 for the appellate division of the public defender's office in
 233 that county. For purposes of implementing these requirements,
 234 the term:

235 (a) "Facility" means reasonable and necessary buildings
 236 and office space and appurtenant equipment and furnishings,
 237 structures, real estate, easements, and related interests in
 238 real estate, including, but not limited to, those for the
 239 purpose of housing legal materials for use by the general public
 240 and personnel, equipment, or functions of the circuit or county
 241 courts, public defenders' offices, state attorneys' offices, and
 242 court-related functions of the office of the clerks of the
 243 circuit and county courts and all storage. The term "facility"
 244 includes all wiring necessary for court reporting services. The
 245 term also includes access to parking for such facilities in
 246 connection with such court-related functions that may be
 247 available free or from a private provider or a local government
 248 for a fee. The office space provided by a county may not be less
 249 than the standards for space allotment adopted by the Department
 250 of Management Services, except this requirement applies only to

251 facilities that are leased, or on which construction commences,
252 after June 30, 2003. County funding must include physical
253 modifications and improvements to all facilities as are required
254 for compliance with the Americans with Disabilities Act. Upon
255 mutual agreement of a county and the affected entity in this
256 paragraph, the office space provided by the county may vary from
257 the standards for space allotment adopted by the Department of
258 Management Services.

259 1. As of July 1, 2005, equipment and furnishings shall be
260 limited to that appropriate and customary for courtrooms,
261 hearing rooms, jury facilities, and other public areas in
262 courthouses and any other facility occupied by the courts, state
263 attorneys, public defenders, guardians ad litem, and criminal
264 conflict and civil regional counsel. Court reporting equipment
265 in these areas or facilities is not a responsibility of the
266 county.

267 2. Equipment and furnishings under this paragraph in
268 existence and owned by counties on July 1, 2005, except for that
269 in the possession of the clerks, for areas other than
270 courtrooms, hearing rooms, jury facilities, and other public
271 areas in courthouses and any other facility occupied by the
272 courts, state attorneys, and public defenders, shall be
273 transferred to the state at no charge. This provision does not
274 apply to any communications services as defined in paragraph
275 (f).

276 (b) "Construction or lease" includes, but is not limited
277 to, all reasonable and necessary costs of the acquisition or
278 lease of facilities for all judicial officers, staff, jurors,
279 volunteers of a tenant agency, and the public for the circuit
280 and county courts, the public defenders' offices, state
281 attorneys' offices, and for performing the court-related
282 functions of the offices of the clerks of the circuit and county
283 courts. This includes expenses related to financing such
284 facilities and the existing and future cost and bonded
285 indebtedness associated with placing the facilities in use.

286 (c) "Maintenance" includes, but is not limited to, all
287 reasonable and necessary costs of custodial and groundskeeping
288 services and renovation and reconstruction as needed to
289 accommodate functions for the circuit and county courts, the
290 public defenders' offices, and state attorneys' offices and for
291 performing the court-related functions of the offices of the
292 clerks of the circuit and county court and for maintaining the
293 facilities in a condition appropriate and safe for the use
294 intended.

295 (d) "Utilities" means all electricity services for light,
296 heat, and power; natural or manufactured gas services for light,
297 heat, and power; water and wastewater services and systems,
298 stormwater or runoff services and systems, sewer services and
299 systems, all costs or fees associated with these services and
300 systems, and any costs or fees associated with the mitigation of

301 environmental impacts directly related to the facility.

302 (e) "Security" includes but is not limited to, all
303 reasonable and necessary costs of services of law enforcement
304 officers or licensed security guards and all electronic,
305 cellular, or digital monitoring and screening devices necessary
306 to ensure the safety and security of all persons visiting or
307 working in a facility; to provide for security of the facility,
308 including protection of property owned by the county or the
309 state; and for security of prisoners brought to any facility.
310 This includes bailiffs while providing courtroom and other
311 security for each judge and other quasi-judicial officers.

312 (f) "Communications services" are defined as any
313 reasonable and necessary transmission, emission, and reception
314 of signs, signals, writings, images, and sounds of intelligence
315 of any nature by wire, radio, optical, audio equipment, or other
316 electromagnetic systems and includes all facilities and
317 equipment owned, leased, or used by judges, clerks, public
318 defenders, state attorneys, guardians ad litem, criminal
319 conflict and civil regional counsel, and all staff of the state
320 courts system, state attorneys' offices, public defenders'
321 offices, and clerks of the circuit and county courts performing
322 court-related functions. Such system or services shall include,
323 but not be limited to:

324 1. Telephone system infrastructure, including computer
325 lines, telephone switching equipment, and maintenance, and

326 facsimile equipment, wireless communications, cellular
327 telephones, pagers, and video teleconferencing equipment and
328 line charges. Each county shall continue to provide access to a
329 local carrier for local and long distance service and shall pay
330 toll charges for local and long distance service.

331 2. All computer networks, systems and equipment, including
332 computer hardware and software, modems, printers, wiring,
333 network connections, maintenance, support staff or services
334 including any county-funded support staff located in the offices
335 of the circuit court, county courts, state attorneys, public
336 defenders, guardians ad litem, and criminal conflict and civil
337 regional counsel; training, supplies, and line charges necessary
338 for an integrated computer system to support the operations and
339 management of the state courts system, the offices of the public
340 defenders, the offices of the state attorneys, the guardian ad
341 litem offices, the offices of criminal conflict and civil
342 regional counsel, and the offices of the clerks of the circuit
343 and county courts; and the capability to connect those entities
344 and reporting data to the state as required for the transmission
345 of revenue, performance accountability, case management, data
346 collection, budgeting, and auditing purposes. The integrated
347 computer system shall be operational by July 1, 2006, and, at a
348 minimum, permit the exchange of financial, performance
349 accountability, case management, case disposition, and other
350 data across multiple state and county information systems

351 involving multiple users at both the state level and within each
352 judicial circuit and be able to electronically exchange judicial
353 case background data, sentencing scoresheets, and video evidence
354 information stored in integrated case management systems over
355 secure networks. Once the integrated system becomes operational,
356 counties may reject requests to purchase communications services
357 included in this subparagraph not in compliance with standards,
358 protocols, or processes adopted by the board established
359 pursuant to former s. 29.0086.

360 3. Courier messenger and subpoena services.

361 4. Auxiliary aids and services for qualified individuals
362 with a disability which are necessary to ensure access to the
363 courts. Such auxiliary aids and services include, but are not
364 limited to, sign language interpretation services required under
365 the federal Americans with Disabilities Act other than services
366 required to satisfy due-process requirements and identified as a
367 state funding responsibility pursuant to ss. 29.004, 29.005,
368 29.006, and 29.007, real-time transcription services for
369 individuals who are hearing impaired, and assistive listening
370 devices and the equipment necessary to implement such
371 accommodations.

372 (g) "Existing radio systems" includes, but is not limited
373 to, law enforcement radio systems that are used by the circuit
374 and county courts, the offices of the public defenders, the
375 offices of the state attorneys, and for court-related functions

376 of the offices of the clerks of the circuit and county courts.
377 This includes radio systems that were operational or under
378 contract at the time Revision No. 7, 1998, to Art. V of the
379 State Constitution was adopted and any enhancements made
380 thereafter, the maintenance of those systems, and the personnel
381 and supplies necessary for operation.

382 (h) "Existing multiagency criminal justice information
383 systems" includes, but is not limited to, those components of
384 the multiagency criminal justice information system as defined
385 in s. 943.045, supporting the offices of the circuit or county
386 courts, the public defenders' offices, the state attorneys'
387 offices, or those portions of the offices of the clerks of the
388 circuit and county courts performing court-related functions
389 that are used to carry out the court-related activities of those
390 entities. This includes upgrades and maintenance of the current
391 equipment, maintenance and upgrades of supporting technology
392 infrastructure and associated staff, and services and expenses
393 to assure continued information sharing and reporting of
394 information to the state. The counties shall also provide
395 additional information technology services, hardware, and
396 software as needed for new judges and staff of the state courts
397 system, state attorneys' offices, public defenders' offices,
398 guardian ad litem offices, and the offices of the clerks of the
399 circuit and county courts performing court-related functions.

400 Section 13. Effective January 1, 2023, for the purpose of

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

404 35.051 Subsistence and travel reimbursement for judges
405 with alternate headquarters.—

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

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

414 2. The appellate district's branch headquarters
415 established under s. 35.05(2), if the judge is assigned to such
416 branch headquarters.

417
418 The official headquarters may serve only as the judge's private
419 chambers.

420 (b)1. A district court of appeal judge for whom an
421 official headquarters is designated in his or her county of
422 residence under this subsection is eligible for subsistence at a
423 rate to be established by the Chief Justice for each day or
424 partial day that the judge is at the headquarters or branch
425 headquarters of his or her appellate district to conduct court

426 business, as authorized by the chief judge of that district
427 court of appeal. The Chief Justice may authorize a judge to
428 choose between subsistence based on lodging at a single-
429 occupancy rate and meal reimbursement as provided in s. 112.061
430 and subsistence at a fixed rate prescribed by the Chief Justice.

431 2. In addition to subsistence, a district court of appeal
432 judge is eligible for reimbursement for travel expenses as
433 provided in s. 112.061(7) and (8) for travel between the judge's
434 official headquarters and the headquarters or branch
435 headquarters of the appellate district to conduct court
436 business.

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

442 Section 14. All property, including equipment,
443 furnishings, artwork, and fixtures, located at the Lakeland
444 headquarters of the current Second District Court of Appeal or
445 being used by employees assigned to the Lakeland headquarters
446 must remain in Lakeland and must be transferred to the Sixth
447 District Court of Appeal unless the Office of the State Courts
448 Administrator determines that such property is critical to the
449 continuing operations of the Second District Court of Appeal.

450 Section 15. No judicial vacancy may be deemed to occur as

451 a result of the addition of a sixth appellate district or
 452 district realignment under this act. Effective January 1, 2023,
 453 a current district court of appeal judge residing in a county,
 454 the district of which is realigned under this act, shall be a
 455 district court of appeal judge of the new district where he or
 456 she resided on December 22, 2021. On January 1, 2023, the
 457 Governor shall recommission any judge whose district was
 458 modified by the realignment of districts pursuant to this act;
 459 except that, the recommission of any judge whose district is
 460 modified by the realignment of districts and is seeking
 461 retention to office at the 2022 general election, and is
 462 retained by the voters at such election, shall occur January 3,
 463 2023.

464 Section 16. Notwithstanding the amendments made to s.
 465 35.05(1), Florida Statutes, by this act, until the Second
 466 Appellate District occupies the courthouse authorized in proviso
 467 accompanying Specific Appropriation 3147A of chapter law 2021-
 468 36, Laws of Florida, the district headquarters may be located in
 469 the Thirteenth Judicial circuit, Hillsborough County.

470 Section 17. To ensure compliance with the residency
 471 requirements that members of judicial nominating commissions
 472 must meet at the time of their appointment, the terms of all
 473 members of the judicial nominating commissions of the First
 474 District Court of Appeal, the Second District Court of Appeal,
 475 and the Fifth District Court of Appeal are hereby terminated.

476 The Governor shall make appointments to these three commissions
 477 and to the new Sixth District Court of Appeal nominating
 478 commissions in the following manner:

479 (1) Three appointments for terms ending July 1, 2023, one
 480 of which shall be an appointment selected from nominations
 481 submitted by the Board of Governors of The Florida Bar pursuant
 482 to s. 43.291(1) (a), Florida Statutes.

483 (2) Three appointments for terms ending July 1, 2024, one
 484 of which shall be an appointment selected from nominations
 485 submitted by the Board of Governors of The Florida Bar pursuant
 486 to s. 43.291(1) (a), Florida Statutes.

487 (3) Three appointments for terms ending July 1, 2026, two
 488 of which shall be an appointment selected from nominations
 489 submitted by the Board of Governors of The Florida Bar pursuant
 490 to s. 43.291(1) (a), Florida Statutes.

491
 492 Every subsequent appointment, except an appointment to fill a
 493 vacant, unexpired term, shall be for four years. Current members
 494 of the First, Second, and Fifth Judicial Nominating Commissions
 495 may apply for appointment to the commission serving the
 496 territorial jurisdiction where they reside.

497 Section 18. Except as otherwise expressly provided in this
 498 act, this act shall take effect upon becoming a law.