

1 A bill to be entitled
2 An act relating to the judicial branch; amending s.
3 34.022, F.S.; revising the number of county court
4 judges in a specified county; creating s. 35.044,
5 F.S.; creating a sixth appellate district; providing
6 the composition of the district; amending s. 35.06,
7 F.S.; revising the number of judges of each district
8 court of appeal; amending ss. 27.51, 27.511, 27.53,
9 29.001, 35.01, 35.02, 35.03, 35.043, 35.05, 43.291,
10 F.S.; conforming provisions to changes made by the
11 act; providing construction; requiring the
12 reallocation of judges residing within a new district;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (34) of section 34.022, Florida
18 Statutes, is amended to read:

19 34.022 Number of county court judges for each county.—The
20 number of county court judges in each county shall be as
21 follows:

COUNTY	TOTAL
(34) Lake.....	<u>43</u>

24 Section 2. Section 35.044, Florida Statutes, is created to
25 read:

26 35.044 Sixth Appellate District.—The Sixth Appellate
 27 District is composed of the Sixth, Twelfth, and Thirteenth
 28 Judicial Circuits.

29 Section 3. Section 35.06, Florida Statutes, is amended to
 30 read:

31 35.06 Organization of district courts of appeal.—A
 32 district court of appeal shall be organized in each of the six
 33 ~~five~~ appellate districts to be named District Court of Appeal,
 34 District. The number of judges of each district court of
 35 appeal shall be as follows:

- 36 (1) In the first district there shall be 13 ~~15~~ judges.
- 37 (2) In the second district there shall be 9 ~~16~~ judges.
- 38 (3) In the third district there shall be 10 judges.
- 39 (4) In the fourth district there shall be 12 judges.
- 40 (5) In the fifth district there shall be 12 ~~11~~ judges.
- 41 (6) In the sixth district there shall be 15 judges.

42 Section 4. Paragraph (f) is added to subsection (4) of
 43 section 27.51, Florida Statutes, to read:

44 27.51 Duties of public defender.—

45 (4) The public defender for the judicial circuit specified
 46 in this subsection shall, after the record on appeal is
 47 transmitted to the appellate court by the office of the public
 48 defender which handled the trial and if requested by any public
 49 defender within the indicated appellate district, handle all
 50 circuit court and county court appeals within the state courts

51 system and any authorized appeals to the federal courts required
52 of the official making such request:

53 (f) Public defender of the sixth judicial circuit, on
54 behalf of any public defender within the district comprising the
55 Sixth District Court of Appeal.

56 Section 5. Subsection (1) and paragraph (a) of subsection
57 (3) of section 27.511, Florida Statutes, are amended to read:

58 27.511 Offices of criminal conflict and civil regional
59 counsel; legislative intent; qualifications; appointment;
60 duties.—

61 (1) It is the intent of the Legislature to provide
62 adequate representation to persons entitled to court-appointed
63 counsel under the Federal or State Constitution or as authorized
64 by general law. It is the further intent of the Legislature to
65 provide adequate representation in a fiscally sound manner,
66 while safeguarding constitutional principles. Therefore, an
67 office of criminal conflict and civil regional counsel is
68 created within the geographic boundaries of each of the six ~~five~~
69 district courts of appeal. The regional counsel shall be
70 appointed as set forth in subsection (3) for each of the six
71 ~~five~~ regional offices.

72 (3)(a) Each regional counsel must be, and must have been
73 for the preceding 5 years, a member in good standing of The
74 Florida Bar. Each regional counsel shall be appointed by the
75 Governor and is subject to confirmation by the Senate. The

76 Supreme Court Judicial Nominating Commission, in addition to the
 77 current regional counsel, shall recommend to the Governor not
 78 fewer than two or more than five additional qualified candidates
 79 for appointment to each of the six ~~five~~ regional counsel
 80 positions. The Governor shall appoint the regional counsel for
 81 the six ~~five~~ regions from among the recommendations, or, if it
 82 is in the best interest of the fair administration of justice,
 83 the Governor may reject the nominations and request that the
 84 Supreme Court Judicial Nominating Commission submit three new
 85 nominees. The regional counsel shall be appointed to a term of 4
 86 years, the term beginning on October 1, 2015. Vacancies shall be
 87 filled in the manner provided in paragraph (b).

88 Section 6. Subsection (4) of section 27.53, Florida
 89 Statutes, is amended to read:

90 27.53 Appointment of assistants and other staff; method of
 91 payment.—

92 (4) The six ~~five~~ criminal conflict and civil regional
 93 counsel may employ and establish, in the numbers authorized by
 94 the General Appropriations Act, assistant regional counsel and
 95 other staff and personnel in each judicial district pursuant to
 96 s. 29.006, who shall be paid from funds appropriated for that
 97 purpose. Notwithstanding s. 790.01, s. 790.02, or s.
 98 790.25(2) (a), an investigator employed by an office of criminal
 99 conflict and civil regional counsel, while actually carrying out
 100 official duties, is authorized to carry concealed weapons if the

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101 investigator complies with s. 790.25(3)(o). However, such
102 investigators are not eligible for membership in the Special
103 Risk Class of the Florida Retirement System. The six ~~five~~
104 regional counsel shall jointly develop recommended modifications
105 to the classification plan and the salary and benefits plan for
106 the Justice Administrative Commission. The recommendations shall
107 be submitted to the commission, the office of the President of
108 the Senate, and the office of the Speaker of the House of
109 Representatives before January 1 of each year. Such
110 recommendations shall be developed in accordance with policies
111 and procedures of the Executive Office of the Governor
112 established in s. 216.181. Each assistant regional counsel
113 appointed by the regional counsel under this section shall serve
114 at the pleasure of the regional counsel. Each investigator
115 employed by the regional counsel shall have full authority to
116 serve any witness subpoena or court order issued by any court or
117 judge in a criminal case in which the regional counsel has been
118 appointed to represent the accused.

119 Section 7. Subsection (1) of section 29.001, Florida
120 Statutes, is amended to read:

121 29.001 State courts system elements and definitions.—

122 (1) For the purpose of implementing s. 14, Art. V of the
123 State Constitution, the state courts system is defined to
124 include the enumerated elements of the Supreme Court, district
125 courts of appeal, circuit courts, county courts, and certain

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126 supports thereto. The offices of public defenders and state
127 attorneys are defined to include the enumerated elements of the
128 20 state attorneys' offices and the enumerated elements of the
129 20 public defenders' offices and six ~~five~~ offices of criminal
130 conflict and civil regional counsel. Court-appointed counsel are
131 defined to include the enumerated elements for counsel appointed
132 to ensure due process in criminal and civil proceedings in
133 accordance with state and federal constitutional guarantees.
134 Funding for the state courts system, the state attorneys'
135 offices, the public defenders' offices, the offices of criminal
136 conflict and civil regional counsel, and other court-appointed
137 counsel shall be provided from state revenues appropriated by
138 general law.

139 Section 8. Section 35.01, Florida Statutes, is amended to
140 read:

141 35.01 District courts of appeal; districts.—Six ~~Five~~
142 district courts of appeal are created, and the state is divided
143 into six ~~five~~ appellate districts of contiguous circuits.

144 Section 9. Section 35.02, Florida Statutes, is amended to
145 read:

146 35.02 First Appellate District.—The First Appellate
147 District is composed of the First, Second, Third, ~~Fourth,~~
148 Eighth, and Fourteenth Judicial Circuits.

149 Section 10. Section 35.03, Florida Statutes, is amended to
150 read:

151 35.03 Second Appellate District.—The Second Appellate
 152 District is composed of the Ninth ~~Sixth~~, Tenth, ~~Twelfth~~,
 153 ~~Thirteenth~~, and Twentieth Judicial Circuits.

154 Section 11. Section 35.043, Florida Statutes, is amended
 155 to read:

156 35.043 Fifth Appellate District.—The Fifth Appellate
 157 District is composed of the Fourth, Fifth, Seventh, ~~Ninth~~, and
 158 Eighteenth Judicial Circuits.

159 Section 12. Subsection (1) of section 35.05, Florida
 160 Statutes, is amended to read:

161 35.05 Headquarters.—

162 (1) The headquarters of the First Appellate District shall
 163 be in the Second Judicial Circuit, Tallahassee, Leon County; of
 164 the Second Appellate District in the Tenth Judicial Circuit,
 165 Lakeland, Polk County; of the Third Appellate District in the
 166 Eleventh Judicial Circuit, Miami-Dade County; of the Fourth
 167 Appellate District in the Fifteenth Judicial Circuit, Palm Beach
 168 County; of and the Fifth Appellate District in the Seventh
 169 Judicial Circuit, Daytona Beach, Volusia County; and of the
 170 Sixth Appellate District in the Sixth Judicial Circuit, Pinellas
 171 County.

172 Section 13. Subsection (8) is added to section 43.291,
 173 Florida Statutes, to read:

174 43.291 Judicial nominating commissions.—

175 (8) To effectuate the changes in judicial nominating

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176 commissions necessitated by the creation of the Sixth District
177 Court of Appeal, each current member of the first, second, and
178 fifth judicial nominating commissions shall continue to serve
179 the same term of office, but the member's seat is transferred to
180 the nominating commission for the district in which he or she
181 resides.

182 Section 14. No judicial vacancy may be deemed to occur as
183 a result of the addition of a sixth appellate district or
184 district realignment under this act. A current district court of
185 appeal judge residing in a county, the district of which is
186 realigned under this act, shall be a district court of appeal
187 judge of the new district where he or she resides upon the
188 effective date of this act.

189 Section 15. This act shall take effect July 1, 2022.