

By Commissioner Hawkes

1      courts may be established by the state, any political  
2      subdivision,or any municipality. The legislature shall, by  
3      general law, divide the state into appellate court districts  
4      and judicial circuits following county lines. Commissions  
5      established by law, or administrative officers or bodies,may  
6      be granted quasi-judicial power in matters connected with the  
7      functions of their offices. The legislature may establish by  
8      general law a civil traffic hearing officer system for the  
9      purpose of hearing civil traffic infractions.

10     SECTION 4. District courts of appeal; courts of  
11     criminal appeals--

12     (a) DISTRICT COURTS OF APPEAL--

13     (1) Organization--There shall be a district court of  
14     appeal serving each appellate district. Each district court  
15     of appeal shall consist of at least three judges. Three judges  
16     shall consider each case and the concurrence of two shall be  
17     necessary to a decision.

18     (2)~~(b)~~ Jurisdiction--

19     a.~~(1)~~ District courts of appeal shall have  
20     jurisdiction to hear appeals, that may be taken as a matter of  
21     right, from final judgments or orders of trial courts,  
22     including those entered on review of administrative action,  
23     not directly appealable to the supreme court or a circuit  
24     court. They may review interlocutory orders in such cases to  
25     the extent provided by rules adopted by the supreme court.

26     b.~~(2)~~ District courts of appeal shall have the power  
27     of direct review of administrative action, as prescribed by  
28     general law.

29     c.~~(3)~~ A district court of appeal or any judge thereof  
30     may issue writs of habeas corpus returnable before the court  
31     or any judge thereof or before any circuit judge within the

1 territorial jurisdiction of the court. A district court of  
2 appeal may issue writs of mandamus, certiorari, prohibition,  
3 quo warranto, and other writs necessary to the complete  
4 exercise of its jurisdiction. To the extent necessary to  
5 dispose of all issues in a cause properly before it, a  
6 district court of appeal may exercise any of the appellate  
7 jurisdiction of the circuit courts.

8       (3)+(c) Clerks and marshals.--Each district court of  
9 appeal shall appoint a clerk and a marshal who shall hold  
10 office during the pleasure of the court and perform such  
11 duties as the court directs. Their compensation shall be  
12 fixed by general law. The marshal shall have the power to  
13 execute the process of the court throughout the territorial  
14 jurisdiction of the court, and in any county may deputize the  
15 sheriff or a deputy sheriff for such purpose.

16       (b) COURTS OF CRIMINAL APPEALS.--

17       (1) Organization.--There shall be courts of criminal  
18 appeals. The courts of criminal appeals shall be  
19 headquartered, and shall sit in three regional divisions, as  
20 provided by general law.

21       (2) Justices.--The courts of criminal appeals shall  
22 consist of no fewer than twenty-seven justices, and the  
23 legislature may create more judicial offices for the courts as  
24 provided by general law. For each appellate district, four  
25 justices who reside in the district at the time of original  
26 appointment shall be appointed to the court of criminal  
27 appeals. The remaining justices shall be appointed statewide  
28 and may reside anywhere in the state at the time of original  
29 appointment. Each justice shall be nominated and appointed by  
30 the governor, with the nomination subject to confirmation by  
31 the Florida senate. The qualifications for office and amount

1      of compensation for each justice shall be the same as those  
2      for a justice of the supreme court. In cases of demonstrated  
3      unfitness to hold office or other judicial misconduct by a  
4      justice of a court of criminal appeals, the justice shall be  
5      subject to those disciplinary sanctions, including removal  
6      from office in appropriate cases, which would be applicable to  
7      a justice of the supreme court. The terms of the justices  
8      shall be for six years, except that nine of the twenty-seven  
9      justices initially appointed shall have terms which expire two  
10     years after the date of appointment, and nine others shall  
11     have terms which expire four years after the date of  
12     appointment. The remaining justices of those initially  
13     appointed shall have six-year terms. A justice may be  
14     renominated and reappointed for a subsequent term by the  
15     governor, subject to confirmation of the senate.

16     (3) Jurisdiction.--The courts of appeals shall have  
17     final appellate jurisdiction coextensive with the limits of  
18     the state, and its determinations shall be final, in all  
19     criminal cases of whatever grade, with such exceptions and  
20     under such provisions as may be provided in the state  
21     constitution or as prescribed by general law. The courts of  
22     criminal appeals shall have exclusive and final jurisdiction  
23     to review all criminal appeals in this state, including  
24     appeals of capital cases and those appeals or requests for  
25     relief which are based on habeas corpus or other  
26     postconviction claims, or which are based on constitutional  
27     issues involving matters of criminal law.

28     a. The justices shall select three justices from each  
29     regional division to sit for two years as an en banc panel of  
30     nine justices to hear those cases under the courts'  
31     jurisdiction which are capital cases and cases involving

1 conflicting decisions of law or inconsistent rulings from  
2 within the court requiring statewide resolution. When convened  
3 en banc, five justices shall constitute a quorum, and the  
4 concurrence of five justices shall be necessary for a  
5 decision. For the purpose of hearing other cases under the  
6 court's jurisdiction, each court of criminal appeals shall sit  
7 in a panel of three justices, the designation thereof to be  
8 pursuant to rules adopted by the court or as provided by  
9 general law. In a panel of three justices, two justices shall  
10 constitute a quorum, and the concurrence of two justices shall  
11 be necessary for a decision.

12       b. Each court of criminal appeals may issue writs of  
13 habeas corpus, mandamus, certiorari, prohibition, or quo  
14 warranto, and other writs necessary to the complete exercise  
15 of its jurisdiction.

16       (4) Clerk.--Each court of criminal appeals shall  
17 appoint a clerk, who shall hold office during the pleasure of  
18 the court and perform such ministerial duties as the court  
19 directs. The clerk's compensation shall be fixed by general  
20 law.

21       (5) Applicability of current rules of court.--The  
22 Florida Rules of Criminal Procedure, the Florida Rules of  
23 Juvenile Procedure, and other applicable court rules of this  
24 state shall remain in effect until they are superseded by the  
25 adoption of rules for practice and procedure in the courts of  
26 criminal appeals, as provided by general law.

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