



712228

CRC ACTION

Commissioner

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The Committee on Judicial (Timmann) recommended the following:

CRC Amendment

Delete everything after the enacting clause
and insert:

ARTICLE V

JUDICIAL

SECTION 4. District courts of appeal.-

(a) ORGANIZATION.-There shall be a district court of appeal
serving each appellate district. Each district court of appeal
shall consist of at least six ~~three~~ judges. As defined by
general law, each district court of appeal must have



12 representation from each judicial circuit in the court's
13 territorial jurisdiction, based on the residence of each judge
14 for the twelve month period prior to their initial appointment
15 to the district court of appeal. Three judges shall consider
16 each case and the concurrence of two shall be necessary to a
17 decision.

18 (b) JURISDICTION.—

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

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

29 (3) A district court of appeal or any judge thereof may
30 issue writs of habeas corpus returnable before the court or any
31 judge thereof or before any circuit judge within the territorial
32 jurisdiction of the court. A district court of appeal may issue
33 writs of mandamus, certiorari, prohibition, quo warranto, and
34 other writs necessary to the complete exercise of its
35 jurisdiction. To the extent necessary to dispose of all issues
36 in a cause properly before it, a district court of appeal may
37 exercise any of the appellate jurisdiction of the circuit
38 courts.

39 (c) CLERKS AND MARSHALS.—Each district court of appeal
40 shall appoint a clerk and a marshal who shall hold office during



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41 the pleasure of the court and perform such duties as the court
42 directs. Their compensation shall be fixed by general law. The
43 marshal shall have the power to execute the process of the court
44 throughout the territorial jurisdiction of the court, and in any
45 county may deputize the sheriff or a deputy sheriff for such
46 purpose.

47 SECTION 11. Vacancies.-

48 (a) Whenever a vacancy occurs in a judicial office to which
49 election for retention applies, the governor shall fill the
50 vacancy by appointing for a term ending on the first Tuesday
51 after the first Monday in January of the year following the next
52 general election occurring at least one year after the date of
53 appointment, one of not fewer than three persons nor more than
54 six persons nominated by the appropriate judicial nominating
55 commission.

56 (b) The governor shall fill each vacancy on a circuit court
57 or on a county court, wherein the judges are elected by a
58 majority vote of the electors, by appointing for a term ending
59 on the first Tuesday after the first Monday in January of the
60 year following the next primary and general election occurring
61 at least one year after the date of appointment, one of not
62 fewer than three persons nor more than six persons nominated by
63 the appropriate judicial nominating commission. An election
64 shall be held to fill that judicial office for the term of the
65 office beginning at the end of the appointed term.

66 (c) The nominations shall be made within thirty days from
67 the occurrence of a vacancy unless the period is extended by the
68 governor for a time not to exceed thirty days. The governor
69 shall make the appointment within sixty days after the



70 nominations have been certified to the governor.

71 (d) There shall be a separate judicial nominating
72 commission as provided by general law for the supreme court,
73 each district court of appeal, and each judicial circuit for all
74 trial courts within the circuit. The judicial nominating
75 commission for each district court of appeal must have at least
76 one member from each judicial circuit in the court's territorial
77 jurisdiction. Uniform rules of procedure shall be established by
78 the judicial nominating commissions at each level of the court
79 system. Such rules, or any part thereof, may be repealed by
80 general law enacted by a majority vote of the membership of each
81 house of the legislature, or by the supreme court, five justices
82 concurring. Except for deliberations of the judicial nominating
83 commissions, the proceedings of the commissions and their
84 records shall be open to the public.

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86 A new section is added to Article XII of the State
87 Constitution to read:

88

ARTICLE XII

89

SCHEDULE

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91 District courts of appeal. The Amendments to Sections 4 and
92 11 of Article V, relating to the district courts of appeal and
93 the judicial nominating commissions thereof, shall take effect
94 on January 1, 2019. However, no judge or judicial nominating
95 commission member shall be displaced by the amendments, but all
96 future vacancies shall be filled in accordance with these
97 provisions.

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