

By Commissioner Heuchan

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1 A proposal to amend
2 Sections 4 and 11 of Article V and to create a new
3 section in Article XII of the State Constitution to
4 revise the minimum amount of judges for each district
5 court of appeal, to require that each district court
6 of appeal have at least one judge from each judicial
7 circuit in the court's territorial jurisdiction, and
8 to require that each judicial nominating commission of
9 a district court of appeal have at least one member
10 from each judicial circuit in the court's territorial
11 jurisdiction.

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13 Be It Proposed by the Constitution Revision Commission of
14 Florida:

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16 Sections 4 and 11 of Article V of the State Constitution
17 are amended to read:

18 ARTICLE V

19 JUDICIARY

20 SECTION 4. District courts of appeal.-

21 (a) ORGANIZATION.-There shall be a district court of appeal
22 serving each appellate district. Each district court of appeal
23 shall consist of at least six ~~three~~ judges. Each district court
24 of appeal must have at least one judge from each judicial
25 circuit in the court's territorial jurisdiction. Three judges
26 shall consider each case and the concurrence of two shall be
27 necessary to a decision.

28 (b) JURISDICTION.-

29 (1) District courts of appeal shall have jurisdiction to
30 hear appeals, that may be taken as a matter of right, from final
31 judgments or orders of trial courts, including those entered on
32 review of administrative action, not directly appealable to the

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33 supreme court or a circuit court. They may review interlocutory
34 orders in such cases to the extent provided by rules adopted by
35 the supreme court.

36 (2) District courts of appeal shall have the power of
37 direct review of administrative action, as prescribed by general
38 law.

39 (3) A district court of appeal or any judge thereof may
40 issue writs of habeas corpus returnable before the court or any
41 judge thereof or before any circuit judge within the territorial
42 jurisdiction of the court. A district court of appeal may issue
43 writs of mandamus, certiorari, prohibition, quo warranto, and
44 other writs necessary to the complete exercise of its
45 jurisdiction. To the extent necessary to dispose of all issues
46 in a cause properly before it, a district court of appeal may
47 exercise any of the appellate jurisdiction of the circuit
48 courts.

49 (c) CLERKS AND MARSHALS.—Each district court of appeal
50 shall appoint a clerk and a marshal who shall hold office during
51 the pleasure of the court and perform such duties as the court
52 directs. Their compensation shall be fixed by general law. The
53 marshal shall have the power to execute the process of the court
54 throughout the territorial jurisdiction of the court, and in any
55 county may deputize the sheriff or a deputy sheriff for such
56 purpose.

57 SECTION 11. Vacancies.—

58 (a) Whenever a vacancy occurs in a judicial office to which
59 election for retention applies, the governor shall fill the
60 vacancy by appointing for a term ending on the first Tuesday
61 after the first Monday in January of the year following the next

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62 general election occurring at least one year after the date of
63 appointment, one of not fewer than three persons nor more than
64 six persons nominated by the appropriate judicial nominating
65 commission.

66 (b) The governor shall fill each vacancy on a circuit court
67 or on a county court, wherein the judges are elected by a
68 majority vote of the electors, by appointing for a term ending
69 on the first Tuesday after the first Monday in January of the
70 year following the next primary and general election occurring
71 at least one year after the date of appointment, one of not
72 fewer than three persons nor more than six persons nominated by
73 the appropriate judicial nominating commission. An election
74 shall be held to fill that judicial office for the term of the
75 office beginning at the end of the appointed term.

76 (c) The nominations shall be made within thirty days from
77 the occurrence of a vacancy unless the period is extended by the
78 governor for a time not to exceed thirty days. The governor
79 shall make the appointment within sixty days after the
80 nominations have been certified to the governor.

81 (d) There shall be a separate judicial nominating
82 commission as provided by general law for the supreme court,
83 each district court of appeal, and each judicial circuit for all
84 trial courts within the circuit. The judicial nominating
85 commission for each district court of appeal must have at least
86 one member from each judicial circuit in the court's territorial
87 jurisdiction. Uniform rules of procedure shall be established by
88 the judicial nominating commissions at each level of the court
89 system. Such rules, or any part thereof, may be repealed by
90 general law enacted by a majority vote of the membership of each

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91 house of the legislature, or by the supreme court, five justices
92 concurring. Except for deliberations of the judicial nominating
93 commissions, the proceedings of the commissions and their
94 records shall be open to the public.

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96 A new section is added to Article XII of the State
97 Constitution to read:

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ARTICLE XII

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SCHEDULE

100 District courts of appeal.—The amendments to Sections 4 and
101 11 of Article V, relating to the district courts of appeal and
102 the judicial nominating commissions thereof, shall take effect
103 January 1, 2020.