

CHAPTER 2022-163

Committee Substitute for House Bill No. 7027

An act relating to the judicial branch; amending s. 27.51, F.S.; conforming provisions to changes made by the act; amending s. 27.511, F.S.; providing geographic boundaries for offices of criminal conflict and civil regional counsel; amending s. 34.022, F.S.; revising the number of county court judges in a specified county; amending ss. 35.01, 35.02, 35.03, 35.043, F.S.; providing for the realignment of appellate districts; creating s. 35.044, F.S.; creating a sixth appellate district; amending s. 35.05, F.S.; revising the location of the headquarters of the Second Appellate District; providing the location of the headquarters of the Sixth Appellate District; providing legislative intent; amending s. 35.06, F.S.; revising the number of judges of each district court of appeal; amending s. 440.45, F.S.; revising the number of members and electors for the of the statewide nominating commission; removing obsolete language; reenacting s. 29.008(1), F.S., relating to county funding of court-related functions, to incorporate the amendment made to s. 35.05, Florida Statutes, in a reference thereto; reenacting s. 35.051(1), F.S., relating to subsistence and travel reimbursement for judges with alternate headquarters, to incorporate the amendment made to s. 35.05, Florida Statutes, in a reference thereto; requiring all specified property located in the Lakeland headquarters of the current Second District Court of Appeal or in use by employees assigned to such headquarters to be transferred to the Sixth District Court of Appeal unless a certain finding is made by the Office of the State Courts Administrator; providing construction; requiring the reallocation of judges residing within districts realigned by the act; requiring the Governor to recommission certain judges on specified dates; authorizing a temporary headquarters for a specified Appellate district; providing for the termination of the terms of members of certain judicial nominating commissions; requiring the Governor to make appointments to specified judicial nominating commissions; providing requirements for such appointments; authorizing members of specified nominating commissions to apply for appointment; providing effective dates.

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

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

27.51 Duties of public defender.—

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

authorized appeals to the federal courts required of the official making such request:

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

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

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

(1) It is the intent of the Legislature to provide adequate representation to persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law. It is the further intent of the Legislature to provide adequate representation in a fiscally sound manner, while safeguarding constitutional principles. Therefore, an office of criminal conflict and civil regional counsel is created within the geographic boundaries of each of the five regions of the state ~~district courts of appeal~~. The regional counsel shall be appointed as set forth in subsection (3) for each of the five regional offices. For the purposes of an office of criminal conflict and civil regional counsel, the state is divided into five geographic regions by judicial circuit as follows:

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

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

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

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

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

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

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

| COUNTY | TOTAL |
|----------------|-------|
| (34) Lake..... | 43 |

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

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

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

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

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

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

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

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

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

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

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

35.05 Headquarters.—

(1) The headquarters of the First Appellate District shall be in the Second Judicial Circuit, Tallahassee, Leon County; of the Second Appellate District in the ~~Sixth Tenth~~ Judicial Circuit, Pinellas Lakeland, Polk County; of the Third Appellate District in the Eleventh Judicial Circuit, Miami-Dade County; of the Fourth Appellate District in the Fifteenth Judicial Circuit, Palm Beach County; of and the Fifth Appellate District in the Seventh Judicial Circuit, Daytona Beach, Volusia County; and of the Sixth Appellate District in the Tenth Judicial Circuit, Lakeland, Polk County. Although each district must have a headquarters as set forth in this subsection, the Legislature intends for policies and practices to be implemented to encourage top applicants for judicial vacancies from throughout each entire district and to provide opportunities for remote workplaces for judges and staff who may not live near the headquarters of the district. Further, it is the intent of the Legislature to ensure that the district courts operate as efficiently as possible through the use of leading technologies and by

adopting policies and practices that encourage innovation and workforce flexibility.

Section 10. Effective January 1, 2023, section 35.06, Florida Statutes, is amended to read:

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

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

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

440.45 Office of the Judges of Compensation Claims.—

(2)

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

1. Six ~~Five~~ members, at least one of whom must be a member of a minority group as defined in s. 288.703, one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are engaged in the practice of law. ~~The Board of Governors shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999. Thereafter, Each member shall be appointed for a 4-year term;~~

2. Six ~~Five~~ electors, at least one of whom must be a member of a minority group as defined in s. 288.703, one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. ~~The Governor shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning July 1, 1999, and members who reside in the even-numbered~~

district court of appeal jurisdictions to 4-year terms each, beginning July 1, 1999. Thereafter, Each member shall be appointed for a 4-year term; and

3. ~~Six~~ Five electors, at least one of whom must be a member of a minority group as defined in s. 288.703, one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. ~~A majority of the other members of the commission shall appoint members who reside in the odd-numbered district court of appeal jurisdictions to 2-year terms each, beginning October 1, 1999, and members who reside in the even-numbered district court of appeal jurisdictions to 4-year terms each, beginning October 1, 1999. Thereafter, Each member shall be appointed for a 4-year term.~~

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

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

29.008 County funding of court-related functions.—

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" includes the offices and staffing of the guardian ad litem programs, and the term "public defenders' offices" includes the offices of criminal conflict and civil regional counsel. The county designated under s. 35.05(1) as the headquarters for each appellate district shall fund these costs for the appellate division of the public defender's office in that county. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term "facility" includes all wiring necessary for court reporting services. The term also includes access to parking for such facilities in connection with

such court-related functions that may be available free or from a private provider or a local government for a fee. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services, except this requirement applies only to facilities that are leased, or on which construction commences, after June 30, 2003. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services.

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

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

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

(c) “Maintenance” includes, but is not limited to, all reasonable and necessary costs of custodial and groundskeeping services and renovation and reconstruction as needed to accommodate functions for the circuit and county courts, the public defenders’ offices, and state attorneys’ offices and for performing the court-related functions of the offices of the clerks of the circuit and county court and for maintaining the facilities in a condition appropriate and safe for the use intended.

(d) “Utilities” means all electricity services for light, heat, and power; natural or manufactured gas services for light, heat, and power; water and wastewater services and systems, stormwater or runoff services and systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

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

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

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel; training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, the guardian ad litem offices, the offices of criminal conflict and civil regional counsel, and the offices of the clerks of the circuit and county courts; and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communications services included in this

subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to former s. 29.0086.

3. Courier messenger and subpoena services.

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

(g) “Existing radio systems” includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or under contract at the time Revision No. 7, 1998, to Art. V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) “Existing multiagency criminal justice information systems” includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public defenders’ offices, the state attorneys’ offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys’ offices, public defenders’ offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

Section 13. Effective January 1, 2023, for the purpose of incorporating the amendment made by this act to section 35.05, Florida Statutes, in a reference thereto, subsection (1) of section 35.051, Florida Statutes, is reenacted to read:

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

(1)(a) A district court of appeal judge is eligible for the designation of a county courthouse or another appropriate facility in his or her county of

residence as his or her official headquarters for purposes of s. 112.061 if the judge permanently resides more than 50 miles from:

1. The appellate district's headquarters as prescribed under s. 35.05(1), if the judge is assigned to such headquarters; or
2. The appellate district's branch headquarters established under s. 35.05(2), if the judge is assigned to such branch headquarters.

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

(b)1. A district court of appeal judge for whom an official headquarters is designated in his or her county of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the judge is at the headquarters or branch headquarters of his or her appellate district to conduct court business, as authorized by the chief judge of that district court of appeal. The Chief Justice may authorize a judge to choose between subsistence based on lodging at a single-occupancy rate and meal reimbursement as provided in s. 112.061 and subsistence at a fixed rate prescribed by the Chief Justice.

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

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

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

Section 15. No judicial vacancy may be deemed to occur as a result of the addition of a sixth appellate district or district realignment under this act. Effective January 1, 2023, a current district court of appeal judge residing in a county, the district of which is realigned under this act, shall be a district court of appeal judge of the new district where he or she resided on December 22, 2021. On January 1, 2023, the Governor shall recommission any judge whose district was modified by the realignment of districts pursuant to this act; except that, the recommission of any judge whose district is modified by the realignment of districts and is seeking retention to office at the 2022 general election, and is retained by the voters at such election, shall occur January 3, 2023.

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

Section 17. To ensure compliance with the residency requirements that members of judicial nominating commissions must meet at the time of their appointment, the terms of all members of the judicial nominating commissions of the First District Court of Appeal, the Second District Court of Appeal, and the Fifth District Court of Appeal are hereby terminated. The Governor shall make appointments to these three commissions and to the new Sixth District Court of Appeal nominating commissions in the following manner:

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

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

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

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

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

Approved by the Governor June 2, 2022.

Filed in Office Secretary of State June 2, 2022.