A proposal to revise
ARTICLE V, ss. 1 and 4, Fla. Const.;
establishing courts of criminal appeals;
providing for a court of appeals to be located
in each of three regional divisions; providing
for justices of the courts of criminal appeals
to be appointed by the Governor and be subject
to confirmation by the Senate; providing for
compensation of the justices; providing for
terms of office; providing for the courts to
have final appellate jurisdiction of criminal
appeals, appeals of capital cases, and appeals
based on habeas corpus or other postconviction
claims; providing for the courts to convene an
en banc panel to hear capital cases and to
resolve conflicting rulings; authorizing the
courts to issue specified writs; providing for
the appointment of clerks for the courts;
providing applicability of rules.

It is proposed by the Florida Constitution Revision Commission
that:

Section 1. Sections 1 and 4 of Article V of the
Florida Constitution are revised by amending those sections to
read:

ARTICLE V
JUDICIARY
SECTION 1. Courts.--The judicial power shall be vested
in a supreme court, courts of criminal appeals, district
courts of appeal, circuit courts, and county courts. No other

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

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

(a) DISTRICT COURTS OF APPEAL.--

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

(2) Jurisdiction.--

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

b. District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

c. A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the

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

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

(b) COURTS OF CRIMINAL APPEALS.—

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

(2) Justices.—The courts of criminal appeals shall consist of no fewer than twenty-seven justices, and the legislature may create more judicial offices for the courts as provided by general law. For each appellate district, four justices who reside in the district at the time of original appointment shall be appointed to the court of criminal appeals. The remaining justices shall be appointed statewide and may reside anywhere in the state at the time of original appointment. Each justice shall be nominated and appointed by the governor, with the nomination subject to confirmation by the Florida senate. The qualifications for office and amount
of compensation for each justice shall be the same as those for a justice of the supreme court. In cases of demonstrated unfitness to hold office or other judicial misconduct by a justice of a court of criminal appeals, the justice shall be subject to those disciplinary sanctions, including removal from office in appropriate cases, which would be applicable to a justice of the supreme court. The terms of the justices shall be for six years, except that nine of the twenty-seven justices initially appointed shall have terms which expire two years after the date of appointment, and nine others shall have terms which expire four years after the date of appointment. The remaining justices of those initially appointed shall have six-year terms. A justice may be renominated and reappointed for a subsequent term by the governor, subject to confirmation of the senate.

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

a. The justices shall select three justices from each regional division to sit for two years as an en banc panel of nine justices to hear those cases under the courts' jurisdiction which are capital cases and cases involving
conflicting decisions of law or inconsistent rulings from within the court requiring statewide resolution. When convened en banc, five justices shall constitute a quorum, and the concurrence of five justices shall be necessary for a decision. For the purpose of hearing other cases under the court's jurisdiction, each court of criminal appeals shall sit in a panel of three justices, the designation thereof to be pursuant to rules adopted by the court or as provided by general law. In a panel of three justices, two justices shall constitute a quorum, and the concurrence of two justices shall be necessary for a decision.

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

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

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