

By Senator Grall

29-01191A-23

20231228__

1 A bill to be entitled
2 An act relating to the district courts of appeal;
3 expressing the intent of the Legislature relating to
4 excess judicial capacity in certain appellate
5 districts; amending s. 35.06, F.S.; providing for the
6 reduction in the number of judges on the First
7 District Court of Appeal and the Second District Court
8 of Appeal upon the occurrence of an event that
9 otherwise would have resulted in a judicial vacancy;
10 providing a limitation on the automatic reduction of
11 judges on the First District Court of Appeal and the
12 Second District Court of Appeal; requiring the Chief
13 Justice of the Supreme Court to notify the Governor
14 and the Legislature of the occurrence of a specified
15 event; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. It is the intent of the Legislature to establish
20 a process to address excess judicial capacity in the First
21 District Court of Appeal and the Second District Court of
22 Appeal, resulting from changes made to the jurisdictional
23 boundaries of appellate districts to create the Sixth District
24 Court of Appeal. Chapter 2022-163, Laws of Florida, which
25 reorganized the appellate districts to create the Sixth District
26 Court of Appeal and revised the number of judges in affected
27 districts, reflects the policy of the Legislature to allow a
28 judge who may have been otherwise affected by the jurisdictional
29 boundary changes to continue serving in the district, as

29-01191A-23

20231228__

30 reconfigured, where he or she resided before the creation of the
31 Sixth District Court of Appeal. To address excess judicial
32 capacity in the First District Court of Appeal and in the Second
33 District Court of Appeal consistent with this policy, this act
34 reduces the number of statutorily authorized judgeships in these
35 districts based on attrition and without requiring a judge to
36 vacate his or her position involuntarily. This process is
37 consistent with the Florida Supreme Court's recommendation in *In*
38 *re Certification of Need for Additional Judges*, Opinion No.
39 SC22-1621 (Dec. 22, 2022), the Court's opinion addressing the
40 need to increase or decrease the number of judges in the 2023-
41 2024 fiscal year.

42 Section 2. Subsections (1) and (2) of section 35.06,
43 Florida Statutes, are amended to read:

44 35.06 Organization of district courts of appeal.—A district
45 court of appeal shall be organized in each of the six appellate
46 districts to be named District Court of Appeal, District.
47 The number of judges of each district court of appeal shall be
48 as follows:

49 (1) (a) In the first district there shall be 13 judges.

50 (b) Notwithstanding paragraph (a), upon the occurrence of
51 an event that otherwise would have resulted in a vacancy in the
52 office of judge of the first district, the number of judges is
53 reduced by 1, and in the first district there shall be 12
54 judges.

55 (2) (a) In the second district there shall be 15 judges.

56 (b) Notwithstanding paragraph (a), upon each occurrence of
57 an event that otherwise would have resulted in a vacancy in the
58 office of judge of the second district, the number of judges is

29-01191A-23

20231228__

59 reduced by 1 until 12 judges remain, and in the second district
60 there shall be 12 judges.

61 Section 3. The Chief Justice of the Supreme Court shall
62 notify the Governor, the President of the Senate, and the
63 Speaker of the House of Representatives of the occurrence of an
64 event that otherwise would have resulted in a vacancy in the
65 office of judge of the First District Court of Appeal or the
66 Second District Court of Appeal as provided in s. 35.06(1) and
67 (2), Florida Statutes, respectively.

68 Section 4. This act shall take effect upon becoming a law.