

By Senator Grall

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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:

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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, which has resulted from changes made to the  
23 jurisdictional boundaries of appellate districts to create the  
24 Sixth District Court of Appeal. Chapter 2022-163, Laws of  
25 Florida, which reorganized the appellate districts to create the  
26 Sixth District Court of Appeal and revised the number of judges  
27 in affected districts, reflects the policy of the Legislature to  
28 allow a judge who may have been otherwise affected by the  
29 jurisdictional boundary changes to continue serving in the

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

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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.