

Tab 2	SB 50 by Wright; (Identical to H 00075) Public Records/Judicial Assistants
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

JUDICIARY
Senator Yarborough, Chair
Senator Burton, Vice Chair

MEETING DATE: Tuesday, January 17, 2023

TIME: 3:30—5:00 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Yarborough, Chair; Senator Burton, Vice Chair; Senators Albritton, Baxley, Book, Boyd, Broxson, DiCeglie, Harrell, Stewart, Thompson, and Trumbull

TAB		BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1		Presentation by the Office of the State Courts Administrator providing an update on the Sixth DCA		Presented
2		SB 50 Wright (Identical H 75)	Public Records/Judicial Assistants; Adding current and former judicial assistants and their spouses and children to the specified agency personnel and family members to whom an exemption from public records requirements applies; providing for retroactive application of the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. JU 01/17/2023 Favorable GO RC	Favorable Yeas 11 Nays 1
Other Related Meeting Documents				

Sixth District Court of Appeal Implementation Update



Presented by:
Chief Judge Meredith L. Sasso
Sixth District Court of Appeal

Senate Judiciary Committee
January 17, 2023

Resources

- I. Biography of Chief Judge Meredith L. Sasso
- II. Administrative Profile of the Sixth District Court of Appeal
- III. 2021 Judicial Certification Opinions
- IV. Chapter 2022-163, Laws of Florida (HB 7027)
- V. Administrative Orders
- VI. District Court of Appeal Maps

I – Biography

Chief Judge Meredith L. Sasso Sixth District Court of Appeal



Chief Judge Meredith L. Sasso, a native of Tallahassee, Florida, was appointed to the Fifth District Court of Appeal in 2019 by Governor Rick Scott. Judge Sasso was recommissioned to the Sixth District Court of Appeal from the Fifth District Court of Appeal on January 1, 2023, by Governor Ron DeSantis, and was subsequently elected as Chief Judge.

Judge Sasso began her legal career in private practice, representing clients in large loss general liability, auto negligence, and complex commercial claims in state and federal courts at trial and on appeal. She also served as a guardian ad litem, representing abused or neglected children. In August of 2016, Judge Sasso joined the Office of the General Counsel to Governor Rick Scott where she ultimately served as Chief Deputy General Counsel. In this role, she represented the Governor in litigation before the Florida Supreme Court, the First District Court of Appeal, and state and federal trial courts, among other duties.

Judge Sasso currently chairs the Workgroup on the Implementation of an Additional District Court of Appeal, and recently served as interim Chief Administrative Officer for the Sixth District Court of Appeal until her election as Chief Judge. She also serves as an appointed member of the Florida Bar Appellate Court Rules Committee, and is a member of the American Enterprise Institute Leadership Network and the Federalist Society.

Judge Sasso received her undergraduate degree from the University of Florida in 2005 and her law degree from the University of Florida in 2008, where she was a member of the Justice Campbell Thornal Moot Court Board.

II – Administrative Profile of the Sixth DCA

Sixth District Court of Appeal
(Ninth, Tenth, and Twentieth Judicial Circuits)
Operational Effective January 1, 2023

Headquarters
811 East Main Street
Lakeland, Florida 33801
(863-940-6041)
<https://6dca.flcourts.gov/>

Marshal: Mr. Charles Crawford

Clerk: Ms. Stacey Pectol

Judges:

- Chief Judge Meredith L. Sasso*
- Judge Jay P. Cohen*
- Judge John K. Stargel*
- Judge Dan Traver*
- Judge Mary Alice Nardella*
- Judge Carrie Ann Wozniak*
- Judge Keith F. White
(Appointed by Governor DeSantis on 12/20/22))
- Judge Jared E. Smith
(Appointed by Governor DeSantis on 12/20/22)
- Judge Joshua A. Mize
(Appointed by Governor DeSantis on 12/20/22)

Total Sixth DCA FTE: 73

*Recommissioned from the Fifth District Court of Appeal.

III – 2021 Judicial Certification Opinions

Supreme Court of Florida

No. SC21-1543

IN RE: REDEFINITION OF APPELLATE DISTRICTS AND CERTIFICATION OF NEED FOR ADDITIONAL APPELLATE JUDGES.

November 24, 2021

PER CURIAM.

Consistent with the recommendations of a Court-appointed assessment committee, this Court has determined that a sixth appellate district should be created in Florida and that accompanying changes should be made to the existing boundaries of the First, Second, and Fifth districts.¹ Also consistent with the

1. Article V, section 9 of the Florida Constitution provides in pertinent part:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing,

assessment committee's recommendations, the Court has determined that six new appellate judgeships are needed for the continued effective operation of the newly aligned district courts of appeal of this state. The subject of trial court certification of need for additional judges is addressed in a separate opinion.²

I. Background

In May 2021, this Court appointed a District Court of Appeal Workload and Jurisdiction Assessment Committee³ composed of appellate judges, trial court judges, and lawyers to evaluate the necessity for increasing, decreasing, or redefining the appellate districts. The Committee evaluated the operation of the existing districts using the five criteria prescribed in Rule of General

decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need.

2. *See In re Trial Court Certification of Need for Additional Judges*, No. SC21-1542 (Fla. Nov. 24, 2021).

3. *See In re District Court of Appeal Workload and Jurisdiction Assessment Committee*, Fla. Admin. Order No. AOSC21-13 (May 6, 2021).

Practice and Judicial Administration 2.241: effectiveness, efficiency, access to appellate review, professionalism, and public trust and confidence. The Committee filed its final report⁴ with the Court on September 30, 2021. By this certification, the Court adopts the Committee’s recommendation for a realignment of the state’s appellate districts in order to create a sixth district, which we conclude would significantly improve the judicial process.

II. District Realignment

A discussion of the full background and reasoning for the Committee’s recommendation concerning a new appellate district is contained in the Committee’s final report and recommendations. A majority of the Committee recommended the creation of at least one additional district court, with a plurality supporting the creation of a sixth district and the adjustment of the existing district lines in the manner we certify in this opinion.

The “primary rationale” for this recommendation “is that creation of an additional DCA would promote public trust and

4. District Court of Appeal Workload and Jurisdiction Assessment Committee Final Report and Recommendations, <https://www.flcourts.org/DCA-Committee-Report>.

confidence.” This rationale is linked specifically to the provisions of rule 2.241(d), which sets forth “public trust and confidence” as one of the criteria to be considered when determining the necessity for increasing, decreasing, or redefining appellate districts. The rule sets forth several factors to be evaluated in connection with the public trust and confidence criterion:

Public Trust and Confidence. Factors to be considered for this criterion are the extent to which each court:

- (A) handles its workload in a manner permitting its judges adequate time for community involvement;
- (B) provides adequate access to oral arguments and other public proceedings for the general public within its district;
- (C) fosters public trust and confidence given its geography and demographic composition; and
- (D) attracts a diverse group of well-qualified applicants for judicial vacancies, including applicants from all circuits within the district.

Fla. R. Gen. Prac. & Jud. Admin. 2.241(d)(5).

Regarding these factors, the Committee report observes:

Specifically, an additional [district court] would help provide adequate access to oral arguments and other proceedings, foster public trust and confidence based on geography and demographic composition, and attract a diverse group of well-qualified applicants for judicial vacancies including applicants from all circuits within each district.

Assessment Committee Report at 3-4.

We agree with the Committee’s conclusion that public trust and confidence will be enhanced by the creation of a sixth district court. We recognize that the rule factors related to public trust and confidence are largely subjective and that they are affected by circumstances that go beyond the number of district courts and the configuration of district boundaries. Nonetheless, we believe that the factors are meaningful considerations and that the Committee has identified a reasonable basis for its proposal.

A salient issue relevant to this criterion is the serious underrepresentation among district court judges of judges from within the Fourth Judicial Circuit, which contains Jacksonville, one of Florida’s largest metropolitan areas. Under the current configuration of district courts, the Fourth Judicial Circuit generates 29 percent of the filings of the First District Court, but only two judges—constituting 13 percent of the judges on the First District Court—are from the Fourth Judicial Circuit. Even more striking, the population of the Fourth Circuit—with its 2 out of 15 DCA judges—makes up 37.5% of the population of the current First

District.⁵ Although no district court configuration will perfectly address every relevant consideration, the configuration proposed in the Committee's plurality plan would help address this geographical anomaly existing in the current district court system.

The creation of a new district court, like any other significant change in the judicial system, would be accompanied by some degree of internal disruption, but we conclude that any such internal disruption in the district courts associated with the creation of a sixth district court would be short-lived and would be outweighed by the benefit of enhanced public trust and confidence.

Appended to this certification is a map showing the geographical areas to be within the recommended, realigned districts. Also appended to this certification is a table showing the counties and judicial circuits affected by the proposed new district boundaries. As shown, the Fourth Judicial Circuit⁶ moves from the

5. As of January 1, 2019, the population of the Fourth Circuit was 1,264,060 and the population of the First District was 3,346,191.

6. The Fourth Judicial Circuit is composed of Clay, Duval, and Nassau counties.

First District into the Fifth District, composed of the Fourth, Fifth, Seventh, and Eighteenth judicial circuits; the Ninth Judicial Circuit⁷ moves from the Fifth District into the Second District, composed of the Ninth, Tenth, and Twentieth judicial circuits; and the Sixth,⁸ Twelfth,⁹ and Thirteenth¹⁰ judicial circuits move from the Second District to compose a newly created Sixth District Court of Appeal. The boundaries of the Third and Fourth district courts are unaffected by this proposal.

The Court acknowledges that a variety of operational issues with policy and fiscal implications will arise from creating an additional district court and revising the territorial jurisdiction of other courts. For example, the Florida Constitution, under article V, section 4, requires the appointment of a clerk and a marshal to

7. The Ninth Judicial Circuit is composed of Orange and Osceola counties.

8. The Sixth Judicial Circuit is composed of Pasco and Pinellas counties.

9. The Twelfth Judicial Circuit is composed of DeSoto, Manatee, and Sarasota counties.

10. The Thirteenth Judicial Circuit is composed of Hillsborough County.

each district court. A new district court will also require associated administrative, security, and information technology support staff. Additionally, the realigned Second District will require an interim facility in which to operate while a more permanent facility is considered. The Court is prepared to assist the Legislature, as needed, in determining an appropriate level of court system resources associated with the creation of the new district court, the details of which will be dependent upon the policy direction the Legislature establishes. Other potential operational effects on justice system entities are discussed in the Committee's report.

III. Additional Judges

This opinion also fulfills our constitutional obligation to determine the State's need for additional district court judges in fiscal year 2022/2023 and to certify our "findings and recommendations concerning such need" to the Florida Legislature.¹¹ Certification is "the sole mechanism established by our constitution for a systematic and uniform assessment of this

11. Art. V, § 9, Fla. Const.

need.” *In re Certification of Need for Additional Judges*, 889 So. 2d 734, 735 (Fla. 2004).

The Court continues to use a verified objective weighted caseload methodology as a primary basis for assessing judicial need.¹² When applied to the district courts as they currently exist, the methodology does not indicate the need for certification or decertification of additional judgeships. However, the simultaneous consideration of the creation of an additional district court and the realignment of existing district boundaries raises policy considerations with workload implications.

Article V, section 8 of the Florida Constitution provides that “[n]o person shall be eligible for office of justice or judge of any court unless the person is an elector of the state and resides in the territorial jurisdiction of the court.” The District Court of Appeal Workload and Jurisdiction Assessment Committee recommended that no existing district court judge’s position be decertified while that judge is in office and that no existing district court judge have

12. Our certification methodology relies primarily on the relative weight of cases disposed on the merits to determine the need for additional district court judges. See Fla. R. Gen. Prac. & Jud. Admin. 2.240.

to change residence in order to remain in office as a result of the realignment of districts. The Committee also recognized that, if such a policy approach were adopted, there might not be sufficient judges residing within included counties to meet the estimated judicial workload of that realigned district. In turn, the number of judges in another district may initially exceed its estimated need after realignment. Although it was not charged with determining the need for additional judges, the Committee used a modified weighted caseload methodology, only slightly different from that used in certification, to estimate judicial need as it considered realignment of existing districts and creation of an additional district. That methodology suggested the need for six appellate judges to meet the workload of realigned districts without a sufficient number of judges who currently reside within the boundaries of the districts.

The Court concurs with the Committee's recommendation that realignment of districts not result in decertification of judges or a requirement for judges to change their residence in order to remain in office. Thus, we adopt the Committee's methodology to meet the need of districts without sufficient resident judges and in this

opinion certify the need for six additional district court judgeships, one in the realigned Second District and five in the realigned Fifth District. This assessment is based on the assumption that each existing judge who resides within a county that was proposed for assignment to a new district court would be considered a judge of the new district court.

The creation of the new judgeships we have certified would result in six district courts of appeal composed of the following judicial officers:

First District: 13 judges (all presently sitting).

Second District: 10 judges (9 presently sitting and 1 to be added).

Third District: 10 judges (all presently sitting).

Fourth District: 12 judges (all presently sitting).

Fifth District: 12 judges (7 presently sitting and 5 to be added).

Sixth District: 13 judges (all presently sitting).

Further, the Court recommends that the legislation implementing the territorial jurisdiction changes specify that vacancies will not be deemed to occur as a result of the changes and recommends that excess judicial capacity in a given district

court be addressed over time through attrition, as guided by this Court's annual certification of the need for additional appellate judges. The creation of an additional district and changes to the territorial boundaries of other districts are milestone events that have not occurred since the creation of the Fifth District Court of Appeal in 1979. It will take some time to fully assess the impact of these changes on workload and judicial need for any given court and statewide.

We decertify no district court judgeships. As noted above, the Court recommends that the creation of an additional district and realignment of existing districts not result in decertification of existing judges, pending an opportunity to fully assess workload need over time through future certification processes. In addition, statutory amendments and other relevant circumstances militate against decertification of any appellate court judgeships.

Specifically, the impact of the Coronavirus Disease 2019 (COVID-19) pandemic in the circuit and county courts has been significant. Those operational impacts at the trial court level have a direct bearing on the number of appeals filed in the district courts.

An increase in district court workload is anticipated as the trial courts fully return to normal operations.

Another issue requiring consideration, because it influences this Court's ability to accurately project judicial need, is the transfer of circuit court authority to hear appeals from county court final orders and judgments in criminal misdemeanor cases and most civil cases to the district courts of appeal effective January 2021 (Chapter 2020-61, sections 3 and 8, Laws of Florida). These changes are affecting the respective distribution of judicial workload between the circuit and district courts. However, given that this change occurred during the COVID-19 pandemic, it has been difficult to determine the ultimate workload associated with this statutory change.

IV. Certification

In accordance with article V, section 9 of the Florida Constitution, we therefore certify the need for six additional district court of appeal judgeships, bringing to 70 the total number of judges on the state's district courts of appeal, and we recommend that the state's judicial districts be aligned as follows:

First District: to contain the First, Second, Third, Eighth, and Fourteenth judicial circuits.

Second District: to contain the Ninth, Tenth, and Twentieth judicial circuits.

Third District: to contain the Eleventh and Sixteenth judicial circuits.

Fourth District: to contain the Fifteenth, Seventeenth, and Nineteenth judicial circuits.

Fifth District: to contain the Fourth, Fifth, Seventh, and Eighteenth judicial circuits.

Sixth District: to contain the Sixth, Twelfth, and Thirteenth judicial circuits.

To implement these proposals, the Court certifies to the Legislature the need to amend chapter 35, Florida Statutes, to create a new district court of appeal and realign the other district court boundaries as described above. As to judges currently residing in the realigned districts, no vacancies in office shall be deemed to occur by reason of the realignment of districts.

Consequently, if the certified plan is adopted the two First District judges residing in Duval County shall be judges of the Fifth District

(which will include Duval County); the three Second District judges residing in Pinellas County, one residing within Pasco County, one residing in Manatee County, and eight residing in Hillsborough County shall be judges of the Sixth District (which will include those counties); and the six Fifth District judges residing in Orange County shall be judges of the Second District (which will include Orange County).

We recommend no decertification of district court judgeships.

We further certify that the realignment of the state's judicial districts and the certification of six district court judges, as set forth in the appendix to this opinion, are necessary, and we recommend that the Legislature enact the applicable laws and appropriate funds so that the adjustments can be implemented.

It is so ordered.

CANADY, C.J., and LABARGA, LAWSON, MUÑIZ, and
COURIEL, JJ., concur.

GROSSHANS, J., concurs in result only.

POLSTON, J., dissents with an opinion.

POLSTON, J., dissenting.

The majority certifies a need for an additional district court of appeal and 6 additional district court of appeal judges that is not

supported by any of the 5 chief judges of the district courts of appeal or by any district court of appeal judge on the District Court of Appeal Workload and Jurisdiction Assessment Committee. I agree with the district court of appeal judges that no changes are justified.

Under our annual certification process for the need for additional judges, no district court requested certification of additional judgeships, and none are justified by the average projected judicial need analysis performed. In the last 20 years, there has been a net addition of 2 district court of appeal judges. One was decertified in the Third District Court of Appeal in 2009, one added to the Fifth District Court of Appeal in 2015, and 2 were added to the Second District Court of Appeal in 2015. No more changes have been needed in the last 6 years, and the answer should be the same now. There is no objective justification for the 6 additional judges certified by the majority.

Instead, the majority approves the Committee's recommendation to create an additional district court of appeal because it believes there should be more judges from Jacksonville as a matter of public trust and confidence. It is the creation of the

Sixth District Court of Appeal that provides the rationale for 6 new judges, not needed workload capacity. Two of the 15 judges on the First District Court of Appeal are from Jacksonville, which the majority treats as “serious underrepresentation.” Majority op. at 5. Objectively, that is not the case.

Looking specifically at Jacksonville, Duval County had 926 cases filed in fiscal year 2019-20 at the First District.¹³ Using the same metrics the Court uses to determine the certified need for judges on district courts of appeal, taking those 926 Duval cases divided by 239, the 3-year average weighted judicial workload per judge (2017-18 to 2019-20) for the First District, there would be a calculated need for 3 judges specifically as to Duval. Arguably the average number should be even higher as eligible judges are based

13. The information used in this paragraph was obtained from the Committee’s report, Appendix D-41, the DCA Workload and Jurisdiction Assessment Committee, DCA Filings and Dispositions by Circuit/County, Fiscal Year 2017-18, 2018-19, and 2019-20; Appendix D-12 District Courts of Appeal Judicial Workload Per Judge and Percent Change; and Certification of Need for Additional Judges FY 2022-23, 2A-1 District Courts of Appeal Fiscal Year 2022-23. Amounts per judge are rounded down, consistent with the annual practice to determine the number of needed positions.

on the presumptive need of 315 average weighted judicial workload per judge after application of the additional judgeships. Based on that number, there would be a calculated need for 2 judges specifically as to Duval. Again, there are already 2 judges from Jacksonville on the First District. So looking at the most recent data, either there is no calculated need for an additional judge from Jacksonville, or perhaps one. Taking an average over 3 years (2017-18 to 2019-20), Duval had 1,178 filings, which would be a calculated need of 4 judges (based on 239, the 3-year average per judge), or 3 judges (based on 315, the average presumptive need per judge). Using this 3-year average, there would be a calculated need for 1 or 2 more Jacksonville judges out of 15. At most, the additional 2 judges from Jacksonville are 13% of the 15 on the First District. Serious underrepresentation cannot be found at 13%.

As the majority notes, Jacksonville is a large metropolitan area. But the Florida Constitution does not provide for redistricting in the court system based on population size as it does for legislative representation, and the Committee properly did not do so. *See generally* art. III, § 16, Fla. Const. (providing reapportionment after each decennial census). It is court filings,

not population size that matters to how many judges are needed. As noted in the Committee's September 30, 2021, Final Report and Recommendations, page 10, "the number of [district court of appeal] filings, from calendar year 2016 through calendar year 2020 declined each year while Florida's population continued to increase during the same period." The statewide district court of appeal filings per 100,000 population steadily decreased each year from 116 in 2016 to 70 in 2020. Jacksonville's population size is not justification to add a sixth district court of appeal.

Moreover, the relevant portion of the rule setting out the factors for public trust and confidence is whether the court "attracts [a] diverse group of well-qualified applicants for judicial vacancies, including applicants from all circuits within the district." Fla. R. Gen. Prac. & Jud. Admin. 2.241(d)(5)(D). Significantly, the rule requires that the court attracts well-qualified applicants, not that certain applicants must be selected. Jacksonville has outstanding lawyers and judges, and I have the upmost respect for them. It is undisputable that there have been numerous well-qualified Jacksonville applicants to the First District, including making the short list, who were not selected in recent history or by

different governors over the last 20 years. But it is the governor's selection, not the inability to attract well-qualified applicants, that is relevant under the rule. *See generally* art. V, § 11, Fla. Const. (the governor fills vacancies in judicial office).

Further, the majority accepts the Committee's certification justification to provide adequate access to oral arguments. Again, this has no basis. The First District has panels that regularly travel to Jacksonville for oral arguments, in addition to Pensacola and Orlando (workers compensation cases). And all of the oral arguments are available live on the internet on the First District's website.

Rule 2.241(b)(8) has not been properly considered by the majority:

(8) Whether or not an assessment committee is appointed, the supreme court shall balance the potential impact and disruption caused by changes in judicial circuits and appellate districts against the need to address circumstances that limit the quality and efficiency of, and public confidence in, the judicial process. Given the impact and disruption that can arise from any alteration in judicial structure, prior to recommending a change in judicial circuits or appellate districts, the supreme court shall consider less disruptive adjustments including, but not limited to, the addition of judges, the creation of branch locations, geographic or subject-matter divisions within judicial circuits or

appellate districts, deployment of new technologies, and increased ratios of support staff per judge.

This rule emphasizes that the Court should consider the disruptive effect of changes and attempt to minimize it by other means first. The cost for a new district court of appeal is very expensive. The September 13, 2021, letter to Judge Scales, Chair of the Committee, from Judge Roberts, Chair of the DCA Budget Commission, notes significant fiscal impacts including facilities, staffing, and operational expenses that would necessitate additional funding without causing significant negative fiscal impact on the current district court budget. The disruptions to the branch are significant. See majority op. at 13-15 (describing realignment boundaries and current judges). This certification is analogous to rebuilding a ship for what should be swapping out a couple of deck chairs at most.

Rule 2.241(b)(1) states that the Court “shall certify a necessity to increase, decrease, or redefine judicial circuits and appellate districts when it determines that the judicial process is adversely affected by circumstances that present a *compelling need* for the certified change.” (Emphasis added.) There is no compelling need

for adding an additional district court of appeal. The majority makes no such finding.

Rule 2.241(b)(2) provides that the Court “may certify a necessity to increase, decrease, or redefine judicial circuits and appellate districts when it determines that the judicial process would be improved significantly by the certified change.” The Committee provides no objective justification that the judicial process will be improved significantly by adding an additional district court of appeal.

The Court’s rules and its responsibilities, along with the Legislature, in the certification process are at the direction of the Florida Constitution. As explained by article V, section 9 of the Florida Constitution, titled “Determination of number of judges”:

The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and

recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. *If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.*

(Emphasis added.)

Specifically, the Florida Constitution authorizes the Legislature to make its own determination regarding appellate districts notwithstanding what the Court determines, with a two-thirds vote of the membership of both houses. Accordingly, if the Court were to determine there is no justification for changes under its rules, the Legislature is free to act according to the Constitution and draw the lines as a policy decision to provide more Jacksonville judges. That is the proper response to the Committee's recommendation.

Because there is not a compelling need or significant improvement to the judicial process as required by rule 2.241(b), I would not certify a new district court of appeal or any additional district court of appeal judges.

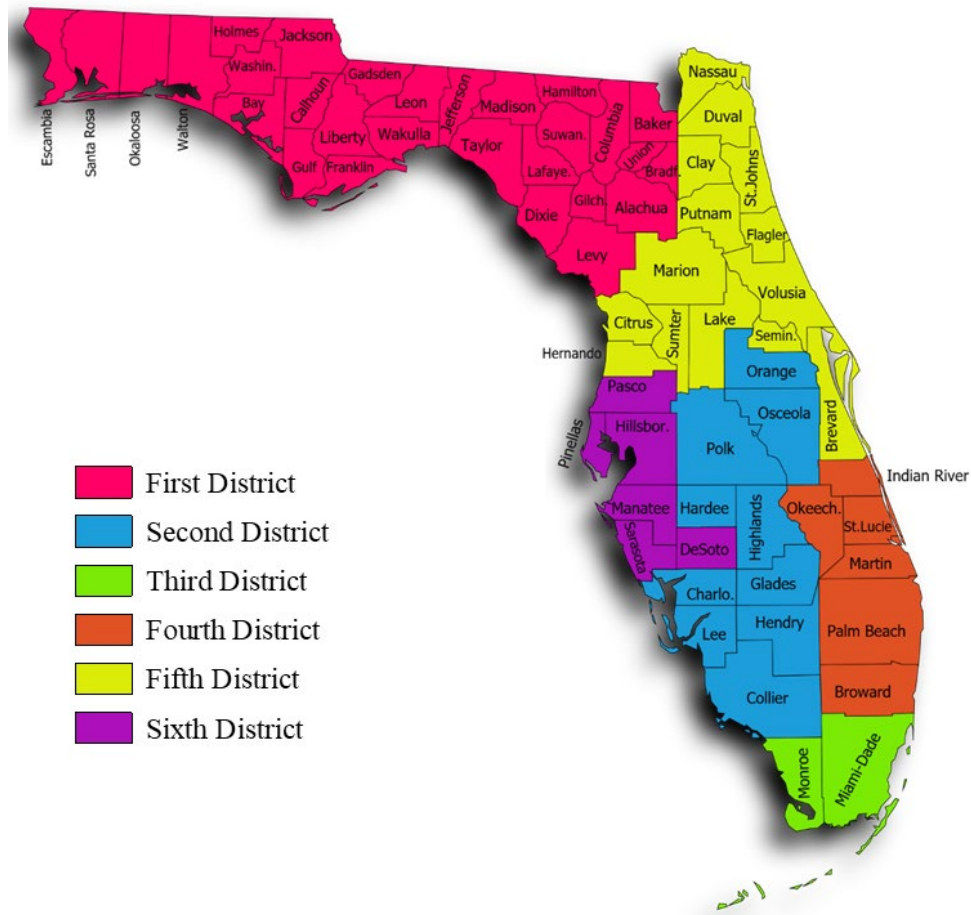
I respectfully dissent.

Original Proceeding – Certification of Need for Additional Appellate Judges

APPENDIX
District Court Need

District	District Court Certified Judges
1	0
2	1
3	0
4	0
5	5
6	0
Total	6

Recommended Realignment of Districts



Counties and Judicial Circuits Affected

County	Circuit	Current District	Proposed District
Clay	Fourth	First	Fifth
Duval	Fourth	First	Fifth
Nassau	Fourth	First	Fifth
Orange	Ninth	Fifth	Second
Osceola	Ninth	Fifth	Second
Pasco	Sixth	Second	Sixth
Pinellas	Sixth	Second	Sixth
DeSoto	Twelfth	Second	Sixth
Manatee	Twelfth	Second	Sixth
Sarasota	Twelfth	Second	Sixth
Hillsborough	Thirteenth	Second	Sixth

Supreme Court of Florida

No. SC21-1543

IN RE: REDEFINITION OF APPELLATE DISTRICTS AND CERTIFICATION OF NEED FOR ADDITIONAL APPELLATE JUDGES.

December 22, 2021
SUPPLEMENTAL OPINION

PER CURIAM.

I. Background

In *In re Redefinition of Appellate Districts and Certification of Need for Additional Appellate Judges*, 46 Fla. L. Weekly S355 (Fla. Nov. 24, 2021), this Court determined that a sixth appellate district should be created in Florida and that accompanying changes should be made to the existing boundaries of the First, Second, and Fifth districts.¹ The Court also determined that six new appellate

1. Article V, section 9 of the Florida Constitution provides in pertinent part:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the

judgeships were needed for the continued effective operation of the newly aligned district courts of appeal—specifically one in the realigned Second District and five in the realigned Fifth District.

The Court made the determinations consistent with the final report and recommendations of a Court-appointed assessment committee charged with evaluating the necessity for increasing, decreasing, or redefining the appellate districts.² Among other things, the District Court of Appeal Workload and Jurisdiction Assessment Committee recommended that no existing district court judge's position be decertified while that judge is in office and that

number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need.

2. District Court of Appeal Workload and Jurisdiction Assessment Committee Final Report and Recommendations <https://www.flcourts.org/DCA-Committee-Report>. *See also In re District Court of Appeal Workload and Jurisdiction Assessment Committee*, Fla. Admin. Order No. AOSC21-13 (May 6, 2021).

no existing district court judge have to change residence in order to remain in office as a result of the realignment of districts.

II. Amended Certification of Additional Judges

In furtherance of our constitutional obligation to determine the State's need for additional district court judges in fiscal year 2022/2023 and to certify our "findings and recommendations concerning such need" to the Florida Legislature,³ this opinion amends the previously issued certification. Based on recent changes in residency of judges, the Court hereby certifies the need for seven rather than six additional district court judgeships, bringing to 71 the total number of judges on the state's district courts of appeal. Under this revision, the seven judgeships are allocated as follows: three in the realigned Second District and four in the realigned Fifth District. This assessment continues to be based on the assumption that each existing judge who resides within a county that was proposed for assignment to a new district court would be considered a judge of the new district court.

3. Art. V, § 9, Fla. Const.

We further certify that the creation of seven district court judges, as set forth in the appendix to this opinion, is necessary, and we recommend that the Legislature enact the applicable laws and appropriate funds so that the adjustments can be implemented.

The Court makes no revisions to the previously certified alignment of the jurisdictional boundaries of the six appellate districts.

It is so ordered.

CANADY, C.J., and LABARGA, LAWSON, MUÑIZ, and
COURIEL, JJ., concur.

GROSSHANS, J., concurs in result only.

POLSTON, J., dissents with an opinion.

POLSTON, J., dissenting.

As I explained in my dissent to the majority's November 24, 2021 opinion, no additional district court of appeal judges are needed. None. Not six. Not seven. This revised certification makes my point. It is based on where current judges live, not any objective basis of a need for more judges to do the work.

Original Proceeding – Amended Certification of Need for Additional
Appellate Judges

APPENDIX
Amended District Court Need

District	District Court Certified Judges
1	0
2	3
3	0
4	0
5	4
6	0
Total	7

IV - Chapter 2022-163, Laws of Florida (HB 7027)

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 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.

V –Administrative Orders

Supreme Court of Florida

No. AOSC22-18

IN RE: WORKGROUP ON THE IMPLEMENTATION OF AN
 ADDITIONAL DISTRICT COURT OF APPEAL

ADMINISTRATIVE ORDER

WHEREAS, pursuant to Article V, section 9, of the Florida Constitution, and rules 2.240 and 2.241, Florida Rules of General Practice and Judicial Administration, the Supreme Court of Florida in *In re: Redefinition of Appellate Districts and Certification of Need for Additional Appellate Judges*, Case No. SC21-1543, determined that a sixth appellate district should be created in Florida, that accompanying changes should be made to the existing boundaries of certain other districts, and that seven new appellate judgeships were needed for the continued effective operation of the newly aligned district courts of appeal; and

WHEREAS, in accordance with Article V, section 9, of the Florida Constitution, the Florida Legislature considered the Court's recommendations and enacted Committee Substitute for House Bill

7027 (2022 Reg. Sess., Enrolled), which the Governor approved on June 2, 2022; and

WHEREAS, the establishment of an additional district court of appeal and the accompanying realignment of other appellate districts requires thoughtful planning and preparation in the State Courts System to ensure that the work of the appellate courts continues without undue disruption; and

WHEREAS, it is recognized that some matters related to establishment of an additional district court of appeal will be within the purview of the chief judges as chief administrative officers of the respective district court pursuant to rule 2.210, Florida Rules of General Practice and Judicial Administration, or a judge designated by the Chief Justice to serve as the interim chief administrative officer for the Sixth District Court of Appeal, while other matters will have implications across the court system and therefore warrant consistent application on a branch-wide basis; and

WHEREAS, matters related to establishment of an additional district court of appeal, including unanticipated issues that will no doubt arise during the course of establishment, will benefit from

analysis by and insights from a group of district court judges and staff, even if ultimately determined to be within the purview of individual chief judges or a judge designated by the Chief Justice to serve as the interim chief administrative officer for the Sixth District Court of Appeal;

NOW THEREFORE, the Workgroup on the Implementation of an Additional District Court of Appeal is hereby established for the purpose of identifying and making recommendations on the various operational and fiscal matters that are necessary to ensure the ongoing effective and efficient functioning of Florida's district courts of appeal through this transition, such as human resources; interim and permanent facilities; equipment; technology, security, fiscal, and administrative services; case processing and disposition; and interim governance issues.

The Workgroup may consult with other court system committees and justice system stakeholders as it deems necessary and appropriate. If the Workgroup identifies an issue that appears to be within the jurisdiction of another court system committee, it shall notify the chair of the other committee in writing with a copy

to the Chief Justice and State Courts Administrator, for consideration if the other committee determines the matter is within the authority conferred upon it by rule or administrative order. The Workgroup may propose, for consideration by the Supreme Court, statutory changes and amendments to rules of court procedure related to the establishment of a sixth district court of appeal and the accompanying changes to the existing boundaries of certain other districts.

In order to respond quickly as issues arise relating to the realignment of Florida's appellate courts, the Workgroup shall present its recommendations to the Chief Justice through the State Courts Administrator as they are developed. The Chief Justice will address issues, consistent with the Chief Justice's authority as chief administrative officer for the judicial branch pursuant to rule 2.205, Florida Rules of General Practice and Judicial Administration, that are identified by the Workgroup or are otherwise identified. The Workgroup shall share in writing any of its recommendations on implementation actions that are determined to be exclusively within the authority of the chief judges

or a judge designated by the Chief Justice to serve as the interim chief administrative officer for the Sixth District Court of Appeal with the respective judges for their assistance and consideration and provide a copy to the Chief Justice and State Courts Administrator.

Among other activities, the Workgroup shall:

1. Submit by August 19, 2022, a preliminary list of operational issues for which the Workgroup recommends consistent statewide implementation versus discretion in implementation by each district court of appeal pursuant to rule 2.210, Florida Rules of General Practice and Judicial Administration. The Workgroup may supplement these issues as necessary.
2. Submit by August 19, 2022, a recommended timeline for completion of critical operational activities in advance of the January 1, 2023, effective date of the district court boundary changes and new judgeships.
3. Submit no later than November 30, 2022, any recommendations that require action by the Supreme Court

in advance of the January 1, 2023, effective date of the district court boundary changes and new judgeships.

The following persons are appointed to serve on the Workgroup for a term that expires on June 30, 2023:

Mr. Daniel DiGiacomo
Appellate Court Marshal

The Honorable Brian D. Lambert
Appellate Judge

The Honorable Robert Morris
Appellate Judge

Ms. Kristina Samuels
Appellate Court Clerk

The Honorable Meredith L. Sasso
Appellate Judge

The Honorable John K. Stargel
Appellate Judge

The Honorable Dan Traver
Appellate Judge

Additionally, the following persons are appointed to serve as ex officio non-voting members for a term that expires on June 30, 2023:

The Honorable Jonathan D. Gerber
Chair, Legislative Committee
Florida Conference of District Court of Appeal Judges

The Honorable Stevan Northcutt
Chair, Appellate Court Technology Committee

The Honorable L. Clayton Roberts
Chair, District Court of Appeal Budget Commission

Judge Sasso shall serve as Chair of the Workgroup. The Chair may establish ad hoc subgroups, not limited to members of the Workgroup, as necessary and to report back to the full Workgroup. Staff support shall be provided by the Office of the State Courts Administrator.

DONE AND ORDERED at Tallahassee, Florida, on June 7,
2022.

Chief Justice Charles T. Canady

ATTEST:

John A. Tomasino, Clerk of Court

Supreme Court of Florida

No. AOSC22-19

IN RE: INTERIM CHIEF ADMINISTRATIVE OFFICER FOR SIXTH
DISTRICT COURT OF APPEAL

ADMINISTRATIVE ORDER

WHEREAS, pursuant to Article V, section 9, of the Florida Constitution, and rules 2.240 and 2.241, Florida Rules of General Practice and Judicial Administration, the Supreme Court of Florida in *In re: Redefinition of Appellate Districts and Certification of Need for Additional Appellate Judges*, Case No. SC21-1543, determined that a sixth appellate district should be created in Florida, that accompanying changes should be made to the existing boundaries of certain other districts, and that seven new appellate judgeships were needed for the continued effective operation of the newly aligned district courts of appeal; and

WHEREAS, in accordance with Article V, section 9, of the Florida Constitution, the Florida Legislature considered the Court's recommendations and enacted Committee Substitute for House Bill 7027 (2022 Reg. Sess., Enrolled), which the Governor approved on

June 2, 2022 (Chapter 2022-163, Laws of Fla.), and which establishes a sixth district court of appeal, realigns the existing boundaries of certain other districts, and authorizes seven new appellate judgeships, effective January 1, 2023; and

WHEREAS, the establishment of a sixth district court of appeal requires myriad implementation actions on a time-sensitive basis in advance of the January 1, 2023, effective date of the court in order to ensure that the court is operational by that date; and

WHEREAS, the fiscal year 2022-23 state budget provides certain non-judicial positions and other resources effective July 1, 2022, in order to facilitate implementation; and

WHEREAS, the official assignment of judges to the Sixth District Court of Appeal will not occur until January 1, 2023; and

WHEREAS, Article V, section 2, of the Florida Constitution and rule 2.205, Florida Rules of General Practice and Judicial Administration, provide that the chief justice of the supreme court is the chief administrative officer of the judicial system;

NOW THEREFORE, The Honorable Meredith L. Sasso, currently a sitting judge of the Fifth District Court of Appeal, is

hereby appointed as interim chief administrative officer to direct the formation and implementation activities for the impending Sixth District Court of Appeal until such time as a chief judge for the district court is chosen in accordance with Article V, section 2, of the Florida Constitution and rule 2.210(a)(2), Florida Rules of General Practice and Judicial Administration. The interim chief administrative officer is authorized to perform, authorize, or supervise the performance of administrative functions necessary for the establishment and on behalf of the Sixth District Court of Appeal, including but not limited to:

1. Entering into contracts.
2. Making and approving expenditures.
3. Recruiting and hiring employees, including but not limited to employees to perform functions, in an interim capacity, analogous to those performed by the clerk and the marshal, provided, however, that the Sixth District Court of Appeal shall appoint the clerk and marshal as prescribed in Article V, section 4, of the Florida Constitution.

4. Assigning and delegating responsibilities to employees of the Sixth District Court of Appeal. Additionally, the clerk and marshal of the Supreme Court of Florida and the clerk and the marshal of the Second District Court of Appeal are hereby authorized to perform functions at the direction of the interim chief administrative officer, as may be necessary to assist with implementation of the Sixth District Court of Appeal.
5. Approving travel on official state business.

DONE AND ORDERED at Tallahassee, Florida, on June 14, 2022.

Chief Justice Charles T. Canady

ATTEST:

John A. Tomasino, Clerk of Court

Supreme Court of Florida

No. AOSC22-81

IN RE: IMPLEMENTATION OF A SIXTH DISTRICT COURT OF
 APPEAL AND REALIGNMENT OF THE JURISDICTIONAL
 BOUNDARIES OF OTHER APPELLATE DISTRICTS

ADMINISTRATIVE ORDER

Effective January 1, 2023, chapter 2022-163, Laws of Fla., authorizes a sixth district court of appeal; realigns the jurisdictional boundaries of the existing First, Second, and Fifth district courts of appeal; and authorizes seven new appellate judgeships. Under the law, the Fourth Judicial Circuit will move from the First District into the Fifth District; the Ninth Judicial Circuit will move from the Fifth District, and the Tenth and Twentieth judicial circuits will move from the Second District, forming the Sixth District; and the Sixth, Twelfth, and Thirteenth judicial circuits will remain in the Second District. The jurisdictional boundaries of the Third District and the Fourth District will not change.

The Workgroup on the Implementation of an Additional District Court of Appeal,¹ in cooperation with the affected courts, is charged with making recommendations to the chief justice regarding implementation of the law. Consistent with the Workgroup's recommendations, this administrative order prescribes procedures to effectuate an orderly transition from five to six appellate districts in Florida.

I. TRANSFER OF CASES FILED BEFORE JANUARY 1, 2023

A. Vesting of Jurisdiction. Pursuant to chapter 2022-163, Laws of Fla., as of 12:01 a.m. on January 1, 2023, jurisdiction of all matters pending in the First District that originated in the Fourth Judicial Circuit shall vest in the Fifth District, and jurisdiction of all matters pending in the Fifth District and the Second District that originated from the Ninth, Tenth, and Twentieth judicial circuits shall vest in the Sixth District.

B. Transfer of Cases. The chief judges of the First, Second, and Fifth district courts of appeal shall implement procedures for

1. *In re: Workgroup on the Implementation of an Additional District Court of Appeal*, Fla. Admin. Order No. AOSC22-18 (June 7, 2022).

the orderly transfer of pending cases originating from judicial circuits that are transitioning from one appellate district court to another. Effective January 1, 2023, the First District shall transfer to the Fifth District any pending cases originating from the Fourth Judicial Circuit; the Second District shall transfer to the Sixth District any pending cases originating from the Tenth and Twentieth judicial circuits; and the Fifth District shall transfer to the Sixth District any pending cases originating from the Ninth Judicial Circuit. The transferring court shall issue in each case being transferred an order of transfer that the clerk shall serve on all parties and on the clerk of the lower tribunal, if any, in which the cause originated. The clerk of the district court receiving a transferred case shall serve on the parties and on the clerk of the lower tribunal, if any, an acknowledgment letter or order in each case. Any subsequent filings in a case that has been transferred shall be filed with the clerk of the receiving court using the new case number identified on the acknowledgment letter or order.

II. FILING OF NEW CASES ON OR AFTER JANUARY 1, 2023

Effective January 1, 2023, all new matters properly within the

jurisdiction of a district court of appeal which originate from the Fourth Judicial Circuit must be filed with the Fifth District, and all new matters that originate from the Ninth Judicial Circuit, the Tenth Judicial Circuit, or the Twentieth Judicial Circuit must be filed with the Sixth District. The current mailing address for the clerk of the Sixth District is 811 East Main Street, Lakeland, Florida, 33801. The current mailing address for the clerk of the Second District is 1700 North Tampa Street, Suite 300, Tampa, Florida, 33602.

DONE AND ORDERED at Tallahassee, Florida, on November 1, 2022.

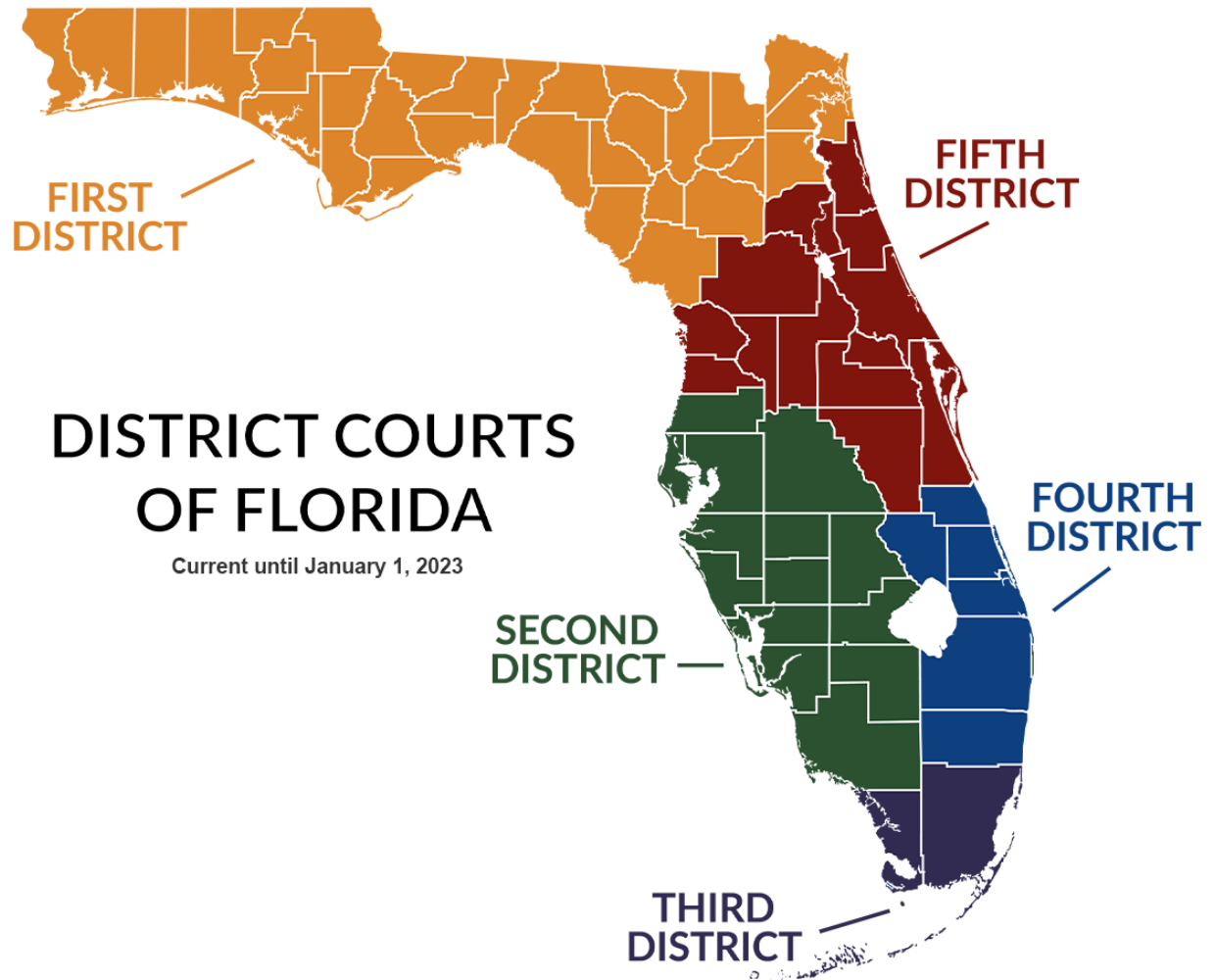
Chief Justice Carlos G. Muñiz

ATTEST:

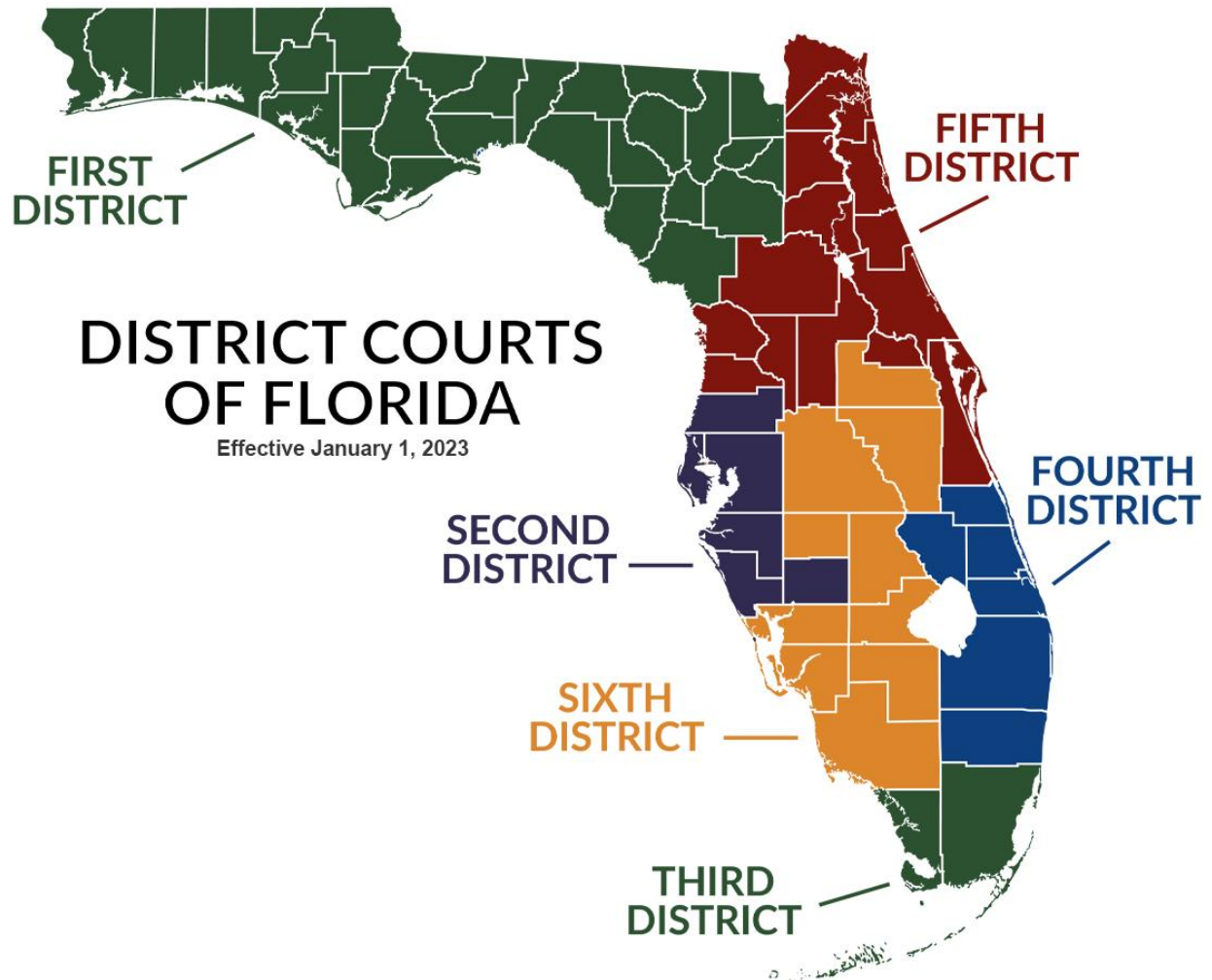
John A. Tomasino, Clerk of Court

VI – District Court of Appeal Maps

**Florida District Courts of Appeal
(Prior to January 1, 2023)**



**Florida District Courts of Appeal
(Effective January 1, 2023)**



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/17/23

Meeting Date

Judiciary

Committee

Sixth DCA Update

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Chief Judge Meredith L. Sasso**

Phone _____

Address **Sixth District Court of Appeal, 811 E. Main Street**

Email _____

Street

Lakeland

Florida

33801

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

6DCA Presentation

Bill Number or Topic

Amendment Barcode (if applicable)

1/17/2023
Meeting Date

Senate JV
Committee

Name

Maclure, Eric

Phone

850-~~2~~264-3872

Address

500 South Duval St.

Email

macluree@flcourts.org

Street

Tallah, FL 32399

City

State

Zip

Speaking:

☐ For

☐ Against

☒ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

State
Carts System



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 50

INTRODUCER: Senator Wright

SUBJECT: Public Records/Judicial Assistants

DATE: January 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 50 creates a public records exemption for judicial assistants. The exemption restricts access to information in public records which may identify or locate current or former judicial assistants and their spouses and children. Judicial assistants provide administrative, secretarial, organizational, and clerical support to an assigned judge's office. As of December 2022, there were 1,022 judicial assistants employed in the county and circuit courts, district courts of appeal, and the Florida Supreme Court.

The bill exempts from public disclosure the following information that relates to a current or former judicial assistant:

- A judicial assistant's home address, date of birth, and telephone number.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of a judicial assistant's spouse and children.
- The names and locations of schools and day care facilities attended by a judicial assistant's children.

This exemption applies to information held by an agency before, on, or after July 1, 2023.

The bill provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage

The bill takes effect July 1, 2023.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Finally, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate* (2022-2024) and Rule 14.1, *The Rules of the Florida House of Representatives*, Edition 1 (2022-2024).

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

Legislative Review Process and Future Repeal

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

Exemption Must Serve an Identifiable Public Purpose and Be Drafted No Broader than Necessary

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

Public Necessity Statement and Two-thirds Vote Requirement

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

Public Records Exemptions for Enumerated Personnel

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure the personal identification and location information of enumerated agency personnel, their spouses, and their children. The employing agency as well as the employee may assert the right to the exemption by submitting a written request to each agency which holds the employee's information.²⁷ Additionally, all of these exemptions have retroactive application.²⁸ In order to have the exemption applied to a court record or an official record held by a clerk of court, the party must make a request specifying the document name, type, identification number, and page number.²⁹ Any enumerated personnel who has his or her public records held exempt may file a written and notarized request to any record custodian to have the records released to an identified party.³⁰

Justices and Judges

The state judiciary, as established in Article V of the State Constitution, is composed of the justices of the Supreme Court and the judges in Florida's six District Courts of Appeal, 20 Circuit Courts, and 67 County Courts.³¹ When carrying out their official duties, the judges and justices often preside over matters that are emotionally charged, whether in a trial, appeal, criminal proceeding, dependency hearing, or domestic or family law matter.

In 1991, and in an effort to protect the members of the judiciary, the Legislature enacted a public records exemption for current justices and judges and their families. The exemption protected their home addresses and telephone numbers as well as the home addresses, telephone numbers, and places of employment of their spouses and children, and the names and locations of schools and day care facilities attended by their children.³² In 2012, the Legislature expanded this exemption to include the dates of birth of the enumerated personnel as well as their family members.³³ The public necessity statement provided that dates of birth can be used to perpetrate fraud and that releasing dates of birth can cause great financial harm to an individual. In addition, the Legislature expanded the exemption to include former justices and judges as well as their families. The public necessity statement for this expansion indicated that justices and judges as well as their family members can be targets of revenge and that risk continues after justices and judges complete their public service.³⁴

In 2017, the Legislature expanded this exemption to also exempt from disclosure the names of the justices' or judges' spouses and children.³⁵

²⁷ Section 119.071(4)(d)3., F.S.

²⁸ Section 119.071(4)(d)6., F.S.

²⁹ Section 119.0714(2)(f) and (3)(f), F.S.

³⁰ Section 119.071(4)(d)5., F.S.

³¹ FLA. CONST. art V. *See also* Florida Courts, <http://www.flcourts.org/florida-courts> (last visited Jan. 9, 2023).

³² Ch. 91-149, Laws of Fla. Because public necessity statements were not required for public records exemptions prior to the adoption of Article I, section 24, Florida Constitution, there is no public necessity statement explaining why the exemption was created.

³³ Ch. 2012-149, Laws of Fla.

³⁴ Ch. 2012-149, Laws of Fla.

³⁵ Ch. 2017-66, Laws of Fla.

Judicial Assistants

The Florida State Courts System has established four levels of judicial assistant positions:

- Judicial assistant to a county court judge,
- Judicial assistant to a circuit court judge,
- Appellate judicial assistant to a district court judge, or
- Appellate judicial assistant to a supreme court justice.

According to information supplied by the Office of the State Courts Administrator, as of December 2022, there were 335 judicial assistants employed at the county court level, 606 employed at the circuit court level, 71 employed at the district court of appeals level, and 10 employed at the Supreme Court level.³⁶

Judicial assistants are assigned to individual judges or justices to provide administrative, secretarial, and clerical support. At the trial court level in particular, the judicial assistant is generally responsible for: preparing and maintaining the judge's professional and court calendar; coordinating with attorneys, to schedule hearings, conferences, and trials; and preparing orders, notices, and other correspondence. Most significantly, trial court level judicial assistants interact "with judges, clerks of court, litigants, attorneys, law enforcement personnel, bailiffs, social services, witnesses, and the general public to exchange information or to facilitate task completion."³⁷ They also interact "with attorneys and litigants and their family members to resolve problems such as scheduling conflicts or other case-related issues."³⁸ The appellate courts also employ judicial assistants in the district courts of appeal and the Florida Supreme Court.³⁹

Based on this type of interaction, several trial court judicial assistants have reported that attorneys, litigants, or a litigant's family members have held the judicial assistant responsible for an adverse decision made by the judge. These judicial assistants reported instances of a litigant or litigant's family members showing up at the judicial assistant's home, contacting the judicial assistant on his or her personal cell phone, making threats against the judicial assistant, or naming the judicial assistant in a civil law suit.⁴⁰

III. Effect of Proposed Changes:

Section 1 amends s. 119.071(4)(d)2.e., F.S., to exempt certain information relating to judicial assistants from the public disclosure requirements of the public record laws. The following information for a current or former judicial assistant will be exempt:

³⁶ Office of the State Courts Administrator, *Senate Bill 50 Judicial Impact Statement* (Jan. 9, 2023)

<http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=33831>.

³⁷ Florida State Courts System Classification Specification, Classification Title: Judicial Assistant – County Court <https://www.flcourts.gov/content/download/751310/file/Judicial-Assistant-County-Court.pdf>.

³⁸ Florida State Courts System Classification Specification, Classification Title: Judicial Assistant – Circuit Court <https://www.flcourts.gov/content/download/751317/file/Judicial-Assistant-Circuit-Court.pdf>.

³⁹ See also Florida State Courts System Classification Specification, Classification Title: Appellate Judicial Assistant – District Court, <https://www.flcourts.gov/content/download/751180/file/appellate-judicial-assistant-district-court.pdf> and Florida State Courts System Classification Specification, Classification Title: Appellate Judicial Assistant – Supreme Court <https://www.flcourts.gov/content/download/751181/file/appellate-judicial-assistant-supreme-court.pdf>.

⁴⁰ See Judicial Assistants Association of Florida, *JA Threats* (2023) (on file with the Senate Committee on Judiciary).

- A judicial assistant's address, date of birth, and telephone numbers.
- The names, home addresses, telephone numbers, dates of birth, and places of employment of a judicial assistant's spouse and children.
- The names and locations of schools and day care facilities attended by a judicial assistant's children.

The exemption applies to information held by an agency before, on, or after July 1, 2023.

Section 2 contains the public necessity statement which explains why the exemption is necessary. The public necessity statement provides that, because judicial assistants may possibly engender ill will with litigants, the accused, the convicted, and their associates and families, judicial assistants and their families are at risk. Judicial assistants can become targets of fraud or revenge by disgruntled litigants who know the judicial assistants' names, their personal information, and location. For these reasons, the identifying information of former and current judicial assistants and their family members should be exempt from public disclosure.

Section 3 provides that the bill takes effect July 1, 2023.

Please see section "VII. Related Issues" for a discussion of the shortened review and repeal date of this bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for records pertaining to judicial assistants; therefore, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect judicial assistants. This bill exempts only records pertaining to judicial assistants and their families from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Any individual or business that currently obtains location information that is covered by the definition of “home addresses” in the bill will not be able to obtain that information from the records custodian without a signed waiver if the employee or the employee’s agency requests that the home address information be exempted.

C. Government Sector Impact:

SB 50 may have a minimal negative fiscal impact on agencies holding records that contain personal identifying information of judicial assistants because staff responsible for complying with public record requests may require training related to the new public record exemption. Additionally, agencies could incur costs associated with redacting the confidential and exempt information prior to releasing a record. However, the costs would be absorbed as they are part of the day-to-day agency responsibilities.

The Office of the State Courts Administrator (OSCA) submitted a 2023 Judicial Impact Statement for this bill and said that it does not anticipate any judicial or court workload to

be created by the bill. Additionally, OSCA does not anticipate any impact to court rules or jury instructions or any fiscal impact on the judiciary.⁴¹

The Florida Court Clerks and Comptrollers also submitted an analysis that addresses the fiscal impact of the bill. They stated that they do not anticipate the bill creating “any significant operational, policy, or fiscal impact” because the burden remains on the qualifying person to request as well as identify any documents that will need to be redacted. While it might create some additional workload, the amount is not anticipated to be significant.⁴²

The Justice Administrative Commission similarly noted in its bill analysis that the bill “will have no policy, workload, or fiscal impacts to our agency.”⁴³

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to s. 119.15(3), F.S., the Open Government Sunset Review Act, a newly enacted or substantially amended exemption is scheduled for review and repeal by the Legislature in the 5th year after creation, unless the Legislature acts to reenact the exemption. The bill inserts the newly created exemption into an existing paragraph with other exemptions that are scheduled for review and repeal in 2024, which is the first year after enactment instead of the fifth year. However, the deviation from the schedule set forth in the Open Government Sunset Review Act is supported by the reasoning that a previous legislature cannot bind a future legislature.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

⁴¹ Office of the State Courts Administrator, *Senate Bill 50 Judicial Impact Statement* (Jan. 9, 2023) <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=33831>.

⁴² Florida Court Clerks and Comptrollers, *Senate Bill 50 Bill Analysis* (Jan 11, 2023) <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=33833>.

⁴³ Justice Administrative Commission, *Bill Analysis Response for Senate Bill 0050* (Dec. 14, 2022) available through the Legislature’s Agency Bill Analysis Request System.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Wright

8-00113-23

202350__

A bill to be entitled

An act relating to public records; amending s.

119.071, F.S.; adding current and former judicial

assistants and their spouses and children to the

specified agency personnel and family members to whom

an exemption from public records requirements applies;

providing for retroactive application of the

exemption; providing for future legislative review and

repeal of the exemption; providing a statement of

public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

8-00113-23

202350__

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

Page 2 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

8-00113-23

202350__

59 Constitution.

60 c. The home addresses, telephone numbers, dates of birth,
61 and photographs of current or former nonsworn investigative
62 personnel of the Office of Financial Regulation's Bureau of
63 Financial Investigations whose duties include the investigation
64 of fraud, theft, other related criminal activities, or state
65 regulatory requirement violations; the names, home addresses,
66 telephone numbers, dates of birth, and places of employment of
67 the spouses and children of such personnel; and the names and
68 locations of schools and day care facilities attended by the
69 children of such personnel are exempt from s. 119.07(1) and s.
70 24(a), Art. I of the State Constitution.

71 d. The home addresses, telephone numbers, dates of birth,
72 and photographs of current or former firefighters certified in
73 compliance with s. 633.408; the names, home addresses, telephone
74 numbers, photographs, dates of birth, and places of employment
75 of the spouses and children of such firefighters; and the names
76 and locations of schools and day care facilities attended by the
77 children of such firefighters are exempt from s. 119.07(1) and
78 s. 24(a), Art. I of the State Constitution.

79 e. The home addresses, dates of birth, and telephone
80 numbers of current or former justices of the Supreme Court,
81 district court of appeal judges, circuit court judges, ~~and~~
82 county court judges, and judicial assistants; the names, home
83 addresses, telephone numbers, dates of birth, and places of
84 employment of the spouses and children of current or former
85 justices, ~~and judges~~, and judicial assistants; and the names and
86 locations of schools and day care facilities attended by the
87 children of current or former justices, ~~and judges~~, and judicial

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88 assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of
89 the State Constitution.

90 f. The home addresses, telephone numbers, dates of birth,
91 and photographs of current or former state attorneys, assistant
92 state attorneys, statewide prosecutors, or assistant statewide
93 prosecutors; the names, home addresses, telephone numbers,
94 photographs, dates of birth, and places of employment of the
95 spouses and children of current or former state attorneys,
96 assistant state attorneys, statewide prosecutors, or assistant
97 statewide prosecutors; and the names and locations of schools
98 and day care facilities attended by the children of current or
99 former state attorneys, assistant state attorneys, statewide
100 prosecutors, or assistant statewide prosecutors are exempt from
101 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

102 g. The home addresses, dates of birth, and telephone
103 numbers of general magistrates, special magistrates, judges of
104 compensation claims, administrative law judges of the Division
105 of Administrative Hearings, and child support enforcement
106 hearing officers; the names, home addresses, telephone numbers,
107 dates of birth, and places of employment of the spouses and
108 children of general magistrates, special magistrates, judges of
109 compensation claims, administrative law judges of the Division
110 of Administrative Hearings, and child support enforcement
111 hearing officers; and the names and locations of schools and day
112 care facilities attended by the children of general magistrates,
113 special magistrates, judges of compensation claims,
114 administrative law judges of the Division of Administrative
115 Hearings, and child support enforcement hearing officers are
116 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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117 Constitution.

118 h. The home addresses, telephone numbers, dates of birth,
119 and photographs of current or former human resource, labor
120 relations, or employee relations directors, assistant directors,
121 managers, or assistant managers of any local government agency
122 or water management district whose duties include hiring and
123 firing employees, labor contract negotiation, administration, or
124 other personnel-related duties; the names, home addresses,
125 telephone numbers, dates of birth, and places of employment of
126 the spouses and children of such personnel; and the names and
127 locations of schools and day care facilities attended by the
128 children of such personnel are exempt from s. 119.07(1) and s.
129 24(a), Art. I of the State Constitution.

130 i. The home addresses, telephone numbers, dates of birth,
131 and photographs of current or former code enforcement officers;
132 the names, home addresses, telephone numbers, dates of birth,
133 and places of employment of the spouses and children of such
134 personnel; and the names and locations of schools and day care
135 facilities attended by the children of such personnel are exempt
136 from s. 119.07(1) and s. 24(a), Art. I of the State
137 Constitution.

138 j. The home addresses, telephone numbers, places of
139 employment, dates of birth, and photographs of current or former
140 guardians ad litem, as defined in s. 39.820; the names, home
141 addresses, telephone numbers, dates of birth, and places of
142 employment of the spouses and children of such persons; and the
143 names and locations of schools and day care facilities attended
144 by the children of such persons are exempt from s. 119.07(1) and
145 s. 24(a), Art. I of the State Constitution.

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146 k. The home addresses, telephone numbers, dates of birth,
147 and photographs of current or former juvenile probation
148 officers, juvenile probation supervisors, detention
149 superintendents, assistant detention superintendents, juvenile
150 justice detention officers I and II, juvenile justice detention
151 officer supervisors, juvenile justice residential officers,
152 juvenile justice residential officer supervisors I and II,
153 juvenile justice counselors, juvenile justice counselor
154 supervisors, human services counselor administrators, senior
155 human services counselor administrators, rehabilitation
156 therapists, and social services counselors of the Department of
157 Juvenile Justice; the names, home addresses, telephone numbers,
158 dates of birth, and places of employment of spouses and children
159 of such personnel; and the names and locations of schools and
160 day care facilities attended by the children of such personnel
161 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
162 Constitution.

163 l. The home addresses, telephone numbers, dates of birth,
164 and photographs of current or former public defenders, assistant
165 public defenders, criminal conflict and civil regional counsel,
166 and assistant criminal conflict and civil regional counsel; the
167 names, home addresses, telephone numbers, dates of birth, and
168 places of employment of the spouses and children of current or
169 former public defenders, assistant public defenders, criminal
170 conflict and civil regional counsel, and assistant criminal
171 conflict and civil regional counsel; and the names and locations
172 of schools and day care facilities attended by the children of
173 current or former public defenders, assistant public defenders,
174 criminal conflict and civil regional counsel, and assistant

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175 criminal conflict and civil regional counsel are exempt from s.
 176 119.07(1) and s. 24(a), Art. I of the State Constitution.
 177 m. The home addresses, telephone numbers, dates of birth,
 178 and photographs of current or former investigators or inspectors
 179 of the Department of Business and Professional Regulation; the
 180 names, home addresses, telephone numbers, dates of birth, and
 181 places of employment of the spouses and children of such current
 182 or former investigators and inspectors; and the names and
 183 locations of schools and day care facilities attended by the
 184 children of such current or former investigators and inspectors
 185 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 186 Constitution.
 187 n. The home addresses, telephone numbers, and dates of
 188 birth of county tax collectors; the names, home addresses,
 189 telephone numbers, dates of birth, and places of employment of
 190 the spouses and children of such tax collectors; and the names
 191 and locations of schools and day care facilities attended by the
 192 children of such tax collectors are exempt from s. 119.07(1) and
 193 s. 24(a), Art. I of the State Constitution.
 194 o. The home addresses, telephone numbers, dates of birth,
 195 and photographs of current or former personnel of the Department
 196 of Health whose duties include, or result in, the determination
 197 or adjudication of eligibility for social security disability
 198 benefits, the investigation or prosecution of complaints filed
 199 against health care practitioners, or the inspection of health
 200 care practitioners or health care facilities licensed by the
 201 Department of Health; the names, home addresses, telephone
 202 numbers, dates of birth, and places of employment of the spouses
 203 and children of such personnel; and the names and locations of

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204 schools and day care facilities attended by the children of such
 205 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 206 the State Constitution.
 207 p. The home addresses, telephone numbers, dates of birth,
 208 and photographs of current or former impaired practitioner
 209 consultants who are retained by an agency or current or former
 210 employees of an impaired practitioner consultant whose duties
 211 result in a determination of a person's skill and safety to
 212 practice a licensed profession; the names, home addresses,
 213 telephone numbers, dates of birth, and places of employment of
 214 the spouses and children of such consultants or their employees;
 215 and the names and locations of schools and day care facilities
 216 attended by the children of such consultants or employees are
 217 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 218 Constitution.
 219 q. The home addresses, telephone numbers, dates of birth,
 220 and photographs of current or former emergency medical
 221 technicians or paramedics certified under chapter 401; the
 222 names, home addresses, telephone numbers, dates of birth, and
 223 places of employment of the spouses and children of such
 224 emergency medical technicians or paramedics; and the names and
 225 locations of schools and day care facilities attended by the
 226 children of such emergency medical technicians or paramedics are
 227 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 228 Constitution.
 229 r. The home addresses, telephone numbers, dates of birth,
 230 and photographs of current or former personnel employed in an
 231 agency's office of inspector general or internal audit
 232 department whose duties include auditing or investigating waste,

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fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual

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abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt

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291 status.

292 4.a. A county property appraiser, as defined in s.
 293 192.001(3), or a county tax collector, as defined in s.
 294 192.001(4), who receives a written and notarized request for
 295 maintenance of the exemption pursuant to subparagraph 3. must
 296 comply by removing the name of the individual with exempt status
 297 and the instrument number or Official Records book and page
 298 number identifying the property with the exempt status from all
 299 publicly available records maintained by the property appraiser
 300 or tax collector. For written requests received on or before
 301 July 1, 2021, a county property appraiser or county tax
 302 collector must comply with this sub-subparagraph by October 1,
 303 2021. A county property appraiser or county tax collector may
 304 not remove the street address, legal description, or other
 305 information identifying real property within the agency's
 306 records so long as a name or personal information otherwise
 307 exempt from inspection and copying pursuant to this section are
 308 not associated with the property or otherwise displayed in the
 309 public records of the agency.

310 b. Any information restricted from public display,
 311 inspection, or copying under sub-subparagraph a. must be
 312 provided to the individual whose information was removed.

313 5. An officer, an employee, a justice, a judge, or other
 314 person specified in subparagraph 2. may submit a written request
 315 for the release of his or her exempt information to the
 316 custodial agency. The written request must be notarized and must
 317 specify the information to be released and the party authorized
 318 to receive the information. Upon receipt of the written request,
 319 the custodial agency must release the specified information to

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320 the party authorized to receive such information.

321 6. The exemptions in this paragraph apply to information
 322 held by an agency before, on, or after the effective date of the
 323 exemption.

324 7. Information made exempt under this paragraph may be
 325 disclosed pursuant to s. 28.2221 to a title insurer authorized
 326 pursuant to s. 624.401 and its affiliates as defined in s.
 327 624.10; a title insurance agent or title insurance agency as
 328 defined in s. 626.841(1) or (2), respectively; or an attorney
 329 duly admitted to practice law in this state and in good standing
 330 with The Florida Bar.

331 8. The exempt status of a home address contained in the
 332 Official Records is maintained only during the period when a
 333 protected party resides at the dwelling location. Upon
 334 conveyance of real property after October 1, 2021, and when such
 335 real property no longer constitutes a protected party's home
 336 address as defined in sub-subparagraph 1.a., the protected party
 337 must submit a written request to release the removed information
 338 to the county recorder. The written request to release the
 339 removed information must be notarized, must confirm that a
 340 protected party's request for release is pursuant to a
 341 conveyance of his or her dwelling location, and must specify the
 342 Official Records book and page, instrument number, or clerk's
 343 file number for each document containing the information to be
 344 released.

345 9. Upon the death of a protected party as verified by a
 346 certified copy of a death certificate or court order, any party
 347 can request the county recorder to release a protected
 348 decedent's removed information unless there is a related request

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on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

10. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the home addresses, dates of birth, and telephone numbers of current and former judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such judicial assistants; and the names and locations of schools and day care facilities attended by the children of such judicial assistants be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Such identifying and location information can be used as a tool to perpetrate fraud against an individual or to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial harm to the individual. In the course of assisting in making rulings, entering judgments,

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imposing sentences, or reviewing cases, judicial assistants may incur the ill will of litigants, the accused, the convicted, and their associates and families, thus making judicial assistants and their spouses and children targets for acts of revenge. This risk continues after judicial assistants leave their public service. Disgruntled individuals may wait until the employment of a judicial assistant ends to commit an act of revenge. If such identifying and location information is released, the safety of current or former judicial assistants and their spouses and children could be seriously jeopardized. For these reasons, the Legislature finds that it is a public necessity that such information be made exempt from public records requirements.

Section 3. This act shall take effect July 1, 2023.

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

WIS

2/17/23

Meeting Date

SB 50

Bill Number or Topic

Judiciary

Committee

Amendment Barcode (if applicable)

Name Alison Dudley

Phone 850/559-1139

Address 108 S Monroe St

Email alison.dudley@dudleyandassociates.com

Tall

City

FL

State

32301

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Judicial ABTS ABC FL

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

CIRCUIT	THREAT
6 TH CIRCUIT - CLEARWATER - JJ	<p>My Judge served as a referee in a case with the Florida bar. During the 2nd day of hearings where she was going to disbar the attorney, he brought a loaded 45 gun with extra magazines through security. He was stopped and apprehended however, for the year leading up to the hearing, I had contact with him as he was pro se. My name is on all of the letterhead and business cards for my Judge.</p> <p>In addition to speaking to the defendants, I speak to victims as we are on our 5th year of domestic violence criminal court so I am the one that is blamed for ruined families. Sadly, growing up in this area, I have seen multiple arrests of people from high school and a former neighborhood. It just exposes us too much now.</p>
2 nd DCA-JO	<p>I had to prepare an order once that prevented an individual from pulling money from his account. That individual showed up and also called several times threatening me. We had to get the HCSO involved and his picture had to be put up in the courthouse with the hopes that he would not get through to my office. Being a Judicial Assistant can be just as threatening at times. We are the gateway to our Judges. No one can talk to or get to the Judge without going through us, so it does put us at a risk in my opinion. I have been scared quite a few times. Phone calls, people showing up and walking into my office screaming...all because they know my name.</p>
1 ST CIRCUIT - PENSACOLA-KA	<p>I have defendant's families friend me and send me messages on Facebook all the time. It really freaks me out. But I know that is just all part of being on social media.</p> <p>It has always worried me that all anyone has to do is a google search of my Judge's name and it pulls up my name also. Then all they have to do is pull up my name on property records, etc. to pull up my home address, etc. or type my name in on "anywho" to pull up my address and phone number. It's really scary.</p> <p>My Judge sentences murderers, drug addicts and thieves, if they get mad enough and can't find out the judge's information, they just might come after the JA.</p>
18 TH CIRCUIT - VIERA-NA	<p>When I was married to my ex-husband. He is a deputy at the jail, in many instances the inmates were so smart that they would figure out in their orders, or paperwork that my last name was the same as his. Somehow they knew I was married to him and who I worked for. Couple of years ago, an inmate told my ex, "when I come out I will go to your house because I know where you live and rape your wife Nina Aponte and make you watch it." Even if it was just talk...these inmates receive paperwork with our names on there, they can easily find where we live.</p>
6 TH CIRCUIT – CLEARWATER - AF	<p>As my name is a little unusual, it would be very easy to find me, if one knew how to look. I have been a JA since 1997 and recall at least once that I had to call deputies to patrol my neighborhood when I was frightened by a criminal defendant. I usually refuse to give my last name when speaking to defendants or their families on the phone, but again, if one knows where to look, they can easily find my last name.</p>

<p>1ST CIRCUIT - PENSACOLA-KA</p>	<p>R. Ardis has numerous cases in our county. If he doesn't like the ruling he will file lawsuits on Judges and also list the Judge's JA's names in the lawsuits. He has threatened my Judge and his family, along with several other Judges here in Escambia County. He is a very scary individual. I wouldn't put it past him to wait until we got off work and follow a JA home. He has found out where some judges live and have mentioned it in emails and documents before. If he can find their addresses, he can certainly find the JAs addresses that aren't protected.</p>
<p>1ST CIRCUIT - MILTON-NM</p>	<p>There is a man in our circuit deemed a vexatious litigant by the DCA and by Circuit Court Judge Bergosh. This man has sued almost every judge in Escambia County, and a few judicial assistants, including myself. This person has a family law case before Judge Dickey. A 2009 family law case involving his child – who is 9 years old.</p> <p>Long story short, former wife was granted authorization to relocate to Tampa from Pensacola (Tampa is approx. 450 miles from Pensacola). The distance restricted the former husband's contact w/ his son, who is autistic and enrolled in a special program for autistic children at USF. Basically, this person feels like he lost everything.</p> <p>It was the granting of the former wife's relocation that triggered the former husband. He stated in a voice mail message to the maternal grandmother that he was a man with nothing to lose (this was admitted into evidence in the DV case). The former husband emailed me an answer to Judge Dickey's order to show cause and in it he described where Judge Dickey lived and said a lesser person in his shoes would grab Judge Dickey on her way to the check the mail, pull her hair back, tilt her neck back and slice her throat from ear to ear. He also described in great detail how a person could hire a hit man using bitcoins and a TOR browser to kill her.</p> <p>No, I am not the judge but I am the one who answers the phone when he calls. A judicial assistant is an extension of their judge so it would be very appreciated if judicial assistants could have their personal info and their family's info protected.</p> <p>This man was arrested for threatening Judge Dickey. But it made me wonder how he was able to find her information, so I decided google her name. Her address appeared using google. So, then I googled my name and my address populated. Then, what sickened me, was my house's Zillow listing and all its photos populated.</p>
<p>1ST CIRCUIT - DEFUNIAK SPRINGS-DA</p>	<p>I have been working for Judge Wells for 15 years and throughout those years I have had numerous defendants contact me via my home phone, cell phone and even show up at my house to try and get me to persuade the Judge to rule differently for them. The one incident that really stood out for me is the following:</p> <p>A defendant, a habitual offender was looking at 11month 29 days jail sentence. A few days before he was to be sentenced he showed up at my house very drunk. Only myself and young daughter were there. I told her to stay inside. I managed to keep him on my front porch and he insisted that I could make the Judge change his sentence. I tried to explain that was not possible and to keep him from getting any more upset. He was belligerent, refusing to leave and not wanting to listen to anything I said. I was very afraid. Thankfully, my sister just happened to drive up to my house shortly after he had gotten there. He immediately left. The next day, we learned that he had committed suicide by blowing his head off with a shotgun. I have never really gotten over this, it could have so easily been another scenario. One where he decided that he would take my life and possibly my daughter's life and his own.</p>

17 th CIRCUIT- PLANTATION - PG	I was the victim of numerous threats from a Defendant in a Tenant Eviction case. The Defendant eventually went to jail because of his threats and I as well as my Judge had to testify. It was a nightmare on top of being extremely scary for myself and my family. He left messages on the answering machine at the office and threatened to kill me, and my family. The case is documented in the 17th Circuit.
17 th CIRCUIT- FT. LAUDERDALE - AQ	<p>My Judge was threatened and the man threatening him also threatened me. (The man harassed many judges in the Broward courthouse and now is in jail pending trial.) It has turned into a criminal case. I had to sit for a depo and will be called to testify in trial.</p> <p>You can read more about the case in the article below. https://www.miamiherald.com/news/local/community/broward/article162469033.html</p>
17 th CIRCUIT-FT. LAUDERDALE - WM	A few years ago, I had 3 young people showed up to my home harassing me and saying I had stolen their car. I immediately called the police. It turned out there was a fatality DUI that happened up the block from me and the driver was a defendant before my judge. I was contacted several times by BSO and eventually I was advised the individuals found me on line and were family of the defendant
20 TH CIRCUIT - FORT MYERS -LT	<p>We have a case pending in Lee County where the Defendant (Randall Thomas Rosado, 16CF275) has 15 pending charges for the following:</p> <ul style="list-style-type: none"> -Obstructing Justice Influence/Intimidate/Hinder Leo Duties -Fraud Simulate Legal Process Fraudulent Actions <p>The victims in this case include Judges, The Clerk of Court, Attorneys, a CFO and a CEO. The charges allege that the victims were all targeted by the Defendant. It is a general fear to have my name listed on any of the court documents due to his current pending charges as I do not want to become one of his victims.</p> <p>I work for Judge Fuller and Judge Fuller is one of the victims in this particular case. It is alleged that the defendant did simulate legal process to wit: fictitious documents from the "International Court of Commerce," which target Circuit Judge Joseph Fuller and include actions affecting title to real estate or personal property, liens, orders, judgments, or other legal documents or proceedings or the basis of any such actions to be fraudulent, contrary to Florida Statute(s) 843.0855(3); 777.011. Judge Fuller was recently served with a summons in this case and they requested I sign the summons and requested my full name be listed on the summons. I requested that the summons simply say it was served on Judicial Assistant to prevent my name from appearing on any documents in the case.</p> <p>If I remember correctly, this Defendant was able to successfully place a lien against Judge Fuller in Pinellas County. A Civil lawsuit was filed to get this lien set aside. This is even more scary because Judge Fuller's personal information is kept confidential and the Defendant was still able to obtain enough information to place a lien against him. Since my information is all public it would be much easier for the defendant to place a lien against me.</p> <p>We currently handle felony cases and deal with a large number of convicted felons. I am required to interact with the defendants on a daily basis and I often have to tell them things they do not want to hear. They are often very upset with me because I am not able to give them legal advice, I cannot allow them to speak with the judge on the phone, I cannot give them expedited hearing time or just simply because the ruling the court gave was not in their favor.</p>
17 th CIRCUIT-FT. LAUDERDALE - JS	<p>1. While working for my prior judge who happened to be in the middle of a lengthy divorce and domestic violence case, one of the parties somehow obtained my cell phone number and called me wanting to talk about the cases. After that judge retired, a new judge took over the case and even though I have been away from that division for 3 years, the same litigant called me once again on my cell phone. This was about 3 months ago. She wanted information about the new staff working on the case and I was worried that she was going to be waiting at my home to try to speak to me about the case.</p> <p>2. A few years ago our division was handing a child custody case and one of the parties started</p>

	<p>harassing me by leaving 50-80 voice mail messages after hours each night and over the weekends. The judge hearing the case entered an order preventing the litigant entry into the court house. She was still able to enter the court house, walk into my office and right up to my desk and threaten me. She was detained by police and then arrested for battery on a law enforcement officer. I was afraid of her because she projected all of her feelings that she had about the judge on to me because she had better access to me. I was fearful that she would look up property records and find my home.</p>
2 ND DCA - CA	<p>I had a situation about a year ago, when an attorney (Steven Fox) in Sarasota harassed me to the point the Judge I was working with at the time, told me to stop answering the phone. He was mad because he promised his client something, but his motion was denied by the judge. He was upset that he couldn't get the judge, so he decided to come after me. He was crying and screaming every time he called. He would call from three different phone numbers to get me to answer him. The last time I spoke to him, he threatened to look up my personal information, and file a lawsuit against me.</p>
9 TH CIRCUIT – ORLANDO -JH	<p>I have had an experience with a Respondent in a Domestic case that my Judge and I have had. This Respondent would call and fill our voicemail with loud music nightly. He started leaving messages giving detailed information about the Judge's personal life. Enough detail that it showed us that he was doing his research. His calls to me in the office would become more and more aggressive. He was trespassed from the building and was only allowed to be here when he would have a court date. He became so well known here in our large courthouse that when any deputy would see him, though he was here for court, the deputies would call me to let me know so that I would stay in my office unless I absolutely had to go out. The Sheriff's Office did an investigation into the harassment that became a daily issue for my Judge and I. His picture was posted in our office.</p> <p>This Respondent knew my name but did not know me by sight. I walked around the courthouse with my hand over my name badge so that when he was here he would not know who I was.</p> <p>The Sheriff's Office was able to gather enough evidence to hand over to the State Attorney who did charge him with harassment of a public official. The case went to a jury trial and the Judge and I had to testify. This was the first time this Respondent had seen me and it was extremely uncomfortable to know that he now knows what I look like. The jury found him guilty as charged and he was given a jail sentence.</p> <p>These are the types of people that concern me and with the information age what it is today, I fear for my personal information to be public</p>
9 TH CIRCUIT - ORLANDO - LH	<p>I was sitting at my desk one morning when I received this text attached. It was very early and I was probably the only person in the building. I had no idea who this was from and needless to say I was pretty shocked and a little disturbed by it. I immediately contacted the corporal for the criminal division to report it to him. He came to my office and took this screenshot. He said he would look into it but didn't seem that concerned by it and told me to ignore it. I, of course told my Judge about it.</p> <p>I researched the case number and found out that the case referenced was set for arraignment that day so I contacted the State attorney to try to get more info. Apparently, whoever sent this was "probably" the victim in the identity theft case that was set. I reached out to the defense attorney for that case and he said he also was receiving threats of sort via email, personal texts, etc.. from this person and they were actually a co-defendant for this case. Confused? Me too.</p> <p>My main concern was how the heck they got my personal cell phone number? I was scared because the Judges receive threatening letters all the time, which we as JAs open. We're the person they call to gripe to. They know our names and due to social media and the accessibility to same, it is easy to find our info, family members info, etc... Please express the importance of our personal safety concerns. Thank you so much.</p>

9 TH CIRCUIT – ORLANDO - ML	My judge has had threats made against her from an inmate who said he was in a gang and his gang would kill her, chop up her body and her family would never find her. When you are dealing with people of that mentality it is not unreasonable to believe if they can't find the judge they will get at the judge by attacking the judge's assistant.
9 TH CIRCUIT – ORLANDO-LM	I don't have the specific case # or defendant, but when I was in Civil I had to call and tell someone his Motion to Stay was denied. He asked, "What time does your shift end?" Needless to say, since we give our names when we call, he could easily look up my information if he so desired. In County Civil, we had to make those types of calls almost on a daily basis.
9 TH CIRCUIT – ORLANDO – LS	<p>A girl that was on our list to bring in as a temporary substitute JA if we were out of the office was removed from the list because she was doing some crazy things while in the offices. She mistakenly thought I was to blame (it was another JA as I had never used her in my office). One evening I came out of my garage and she was at the end of my driveway staring at me. I live an hour from the courthouse so it was no accident that she was at my house. I reported it and then asked court administration to remove my personal information from any address lists, including ones that the other JAs may have. I now only give my personal information to those I know I can trust.</p> <p>When I worked for Judge Cohen we had a defendant that was charged with attempted murder, stalking, etc. Throughout the pendency of the case he threatened the judge and staff constantly. He went to victims houses and watched them prior to trial. Eventually he was tried, while representing himself, and sent to prison. He continued to send letters to the Court with threats while in prison. Upon release from prison several years later, he was transported back from DOC and told to report directly to probation a block away from where he was released. They had deputies watching him and instead of reporting to probation, he walked towards the courthouse. We were put on lock down until they detained him and a VOP warrant was issued and signed for failure to report. He was put back in prison for VOP. I had his mug shot on the bulletin board for years so others would know he was a problem if he should return for any reason.</p> <p>Recently, Judge Munyon had a RICO case where MBI would come to the office weekly and give reports and have the Judge sign warrants, phone orders, etc. This went on for several months. During the investigation it was determined that the defendants were threatening witnesses and dismembering people involved in the case. The investigators would warn the judge and she was concerned that her signature was on all these documents but felt a little safer since her personal information was private. It didn't make me feel the same as my information is public record and could be obtained by anyone in attempt to get to her.</p>
12 th CIRCUIT - JH	I've never had an issue that I can recall off the top of my head, but I know of someone that was contacted from an inmate in custody on her home phone since her name was on a document. I've always felt this is an issue. There are other people that are afforded privacy due to their job – probation officers, JPO's, etc – and I think if it's looked from that angle, it may be better understood where we are coming from.
12 TH CIRCUIT - MM	<p>Over the past 9 years I have received threatening phone calls from a man named Patrick Guinan and have been threatened and cussed at approximately 10 other times by pro se litigants and their family members.</p> <p>He has left numerous voice messages threatening the Judge and me.</p>
5 TH CIRCUIT – TAVARES-SM	Several years ago, my judge and I were notified by the Sheriff's department that one of the defendants had made threats against us and were actually following both of us to our homes.
2 ND CIRCUIT –	I originally worked as the JA for Judge George Reynolds before being hired to work as the JA for Judge

TALLAHASSEE-KP	<p>Frank Allman. In 2015/16 Judge Reynolds presided over a case involving Florida's bears and how they should be managed. It involved the Florida Wildlife Commission requesting approval to allow a hunt for black bears. There were several people and organizations who opposed the hunt including the Sierra Club.</p> <p>I received emails through my work email, one of which was a bit personal from Scott Richards (sandsrwe@yahoo.com) who commented "[E]njoy that a gov'ment paycheck, huh? Bet you do... ." The subject line was "Kelly & George, the idiot team" which initially made me laugh until I read his message. It was a bit disconcerting to become the focus of this man's attention. There were protests outside the courthouse regarding the case. My response was to forward all similar emails to our Court Administration Director so that security would be aware of any possible threats.</p> <p>The emails weren't sent to my personal email, but it made me much more aware that if someone wanted to find me it wouldn't be that difficult.</p> <p>[Obviously, Mr. Richards wasn't aware that Circuit Court JAs (and County Court JAs) salaries are near the poverty level, but I love my job and balance happy job with not so happy paycheck.]</p>
2 ND CIRCUIT – APALACHICOLA-LW	<p>Several years ago, we had a local Defendant who was sentenced to Chattahoochee for murdering his grandmother. The Circuit Court handled the case but somehow the Defendant got it in his head it was Judge Russell. After being in Chattahoochee some time; they let him use the phone and every morning he would call our office wanting to talk to the Judge and every day I would have to explain why he could not talk to the Judge. He would get very angry and upset with me and if I did not answer the phone; he would take up my entire answering machine space with his rambling messages. His father was a retired post office clerk who came by my office and told me how upset his son was with me and how the father thought I should know in case they let him out. I did finally call Chattahoochee and had his telephone privileges modified so he could not call our office.</p>
BC	<p>I had a very scary incident in Circuit Court with this. They had to put up flyers throughout the courthouse and extra security because of the individual threatening me</p>
MS	<p>We have a dependency case in which the mom has left me hundreds of messages (Many of them are saved on a zip drive) she threatens the lives of myself, my child, and my grandchild on a regular basis. So I am in total agreement of this passing</p>
18 TH CIRCUIT – VIERA - KM	<p>Last year when I was pregnant back in March 10th, 2020, I received a phone call from the defendant's father, he was very upset about his daughter's case and before he hung up he said: "I'm going to go to Florida and f#\$%& shoot all of you in that office". Of course, being pregnant I was very emotional and scared. I filed a police report with BCSO. The police called the defendant but of course he denied ever saying that. The police said they were going to keep an eye out but thank God nothing occurred after that. But I was scared for a few weeks, always watching my back. I'll never forget his mugshot for sure</p>
18 TH CIRCUIT – VIERA - PA	<p>This may have been reported to her already, but there was a criminal court case in Martin County that stemmed from a threat from a litigant to a judge & JA, and their families. The defendant's last name is DOLAN and the case number for the criminal charges is 43-2019-CF-000623-A. Judge McKibben was the judge assigned by the Supreme Court to handle it due to all of Martin County judges recusing themselves. Sorry if this is duplicated information</p>
18 TH CIRCUIT – VIERA - DL	<p>Judge Segal and I actually have an active case right now where the Respondent (father), Michael Locke, threatened many times in emails to kill us or harm us. The emails started to list our exact addresses of our homes</p>

VM	<p>I have personally had two prose litigants appear in chambers demanding to see me, refusing to leave. On both occasions, they got confrontational with the bailiff and ended up having to be escorted out of the building by liaison. Both of these litigants have emailed me after hours, on weekends and have included me in pleadings, etc. I have felt, on both occasions, afraid for my safety. One of the litigants even shoved the bailiff in an attempt to enter chambers to speak to me. There are too many resources available online and I definitely feel like our addresses are easy to find with just the slightest bit of research. These two gentlemen could certainly find mine if they wanted to.</p>
SE	<p>I had an experience with a pro se defendant in a foreclosure matter who felt I was hindering his case. He subpoenaed me to be deposed. In his pleadings he made various accusations stating that I was “in cahoots with the banks attorney”, he called me “uneducated” and “arrogant”. If I were to go back through the court file, I’m sure I could find plenty of examples of him calling me names and accusing me of wrong-doing. There were never threats of violence but when I saw my home address filed in the court file, I was pretty shaken up and had to have a conversation with my family.</p> <p>He completed the subpoena with my work address however when the sheriff’s office received the subpoena and entered my name into their system my home address printed onto their Deputy Worksheet. That was then filed into the court file, unreacted so, now the pro se defendant, and everyone else, knows where my children and I live</p>
LG	<p>Just yesterday this occurred, I am still waiting to find out if they can download the 5 messages this man left. He kept calling throughout day but did not leave any further messages. I was worried he would find me on social media (my stuff is private anyway but just in case) since he repeatedly said my full name in the messages left, and I was able to locate and blocked him.</p> <p>The defendant in the matter he was upset over has a history of mental issues and per report, claims that her parents do all well. This heightens my concern.</p> <p>You would have to hear his tone of voice, the anger, the grasping of air – clearly heard from his rambling, and overload of ugly words. Once I get them to download, I will ask if I can send. Or if there’s an alternative available. He did make sure we were of his full name and at one point said, “I’m coming for you.”</p> <p>After my Judge heard the messages and I explained what he initially called and said – that caused me to terminate the call – he said for me to make a report.</p>
19 TH CIRCUIT FORT PIERCE CH	<p>My biggest concern is since I cannot get unlisted number, etc. that if someone was pissed they would be able to find out where I live, etc.</p> <p>The incident I am about to speak of did not happen while on JA time but years ago. As a legal secretary, I had a client contact me on a weekend because he wanted an answer to something that could have waited until that upcoming Monday. When asked how he got my number, he indicated that he got my last name from a document I notarized and looked me up. While that is not a threat, that just shows what people will go through to find you.</p>

9TH CIRCUIT ORLANDO DR	<p>I have a permanent injunction from years ago, from a woman who had a divorce case with Judge XXX and she ended up coming to my house, following me in the mall and followed my kids – and it would have been really good to have had something like this then.</p> <p>I no longer live in that area, but it was quite scary and that is one of the reasons they need to think about this is the fact that we are the first point of contact for our Judge and division etc..... Our names are on the website, facebook, etc.</p>
2ND CIRCUIT TALLAHASSEE SB	Received many threatening emails and phone calls in reference to a facemask case. The emails are under criminal investigation, so no details can be provided. At one point, stopped answering the phone because of all of the crazy threatening phone calls.
2ND CIRCUIT TALLAHASSEE KP	Received a threatening email that stated: "Why do you work for a racist judge? Don't you know future employment will be compromised? What goes around comes around."
17 TH CIRCUIT FORT LAUDERDALE KO	A couple years ago my home number and address were inadvertently used as the public number for the Broward County Courthouse on the internet...if you googled 17th Judicial Circuit my phone number and address came up as who to call and where to go. I discovered this when I started getting phone calls from a woman who was irate that she was being served for, coincidentally, a Domestic Violence case. I had thought she got my name from the circuit site and looked me up online. It took me calling my Court Administrator completely freaked out to get this changed. In the meantime, I was getting phone call after call regarding court matters... It was a little scary that my name and HOME address were listed. Had we fallen under the Records Exemption act they would never have been able to, even though accidentally, get this confused.
11 TH CIRCUIT MIAMI DG	<p>I had an incident couple of weeks ago (phone calls lasted for few days). Judge and I were threatened by pro-se litigant. He wanted to get to the judge through me.</p> <p>It was very scary. That gentleman is now in jail. Homeland security detectives had to get involved.</p>
11TH CIRCUIT MIAMI BM	I was contacted through What'sUp by a litigant to discuss her case. It happened last year, when she was not happy with just emailing and calling the office.

<p>8TH CIRCUIT SH</p>	<p>Received threatening emails stating the following: “Come back SH, I almost have you trained. Now, I have to start over with this bitch.” Another email: “N, do you understand your vertical infinity? I understand mine. I came up with vertical infinity at Buchholz high school.” Another email: “Shit-for-brains N, has anyone told you that willful ignorance and or willful neglect is not a viable defense. They have now shit-for-brains.” Another email: “SH, I going to have kill you so I can kill N since you allowing him to hide behind you. N, did you know that felons can have pellet guns? SH, move to one side or the so I can have a clear view of him.” Another email: “To Cheating, Cowardly, thieving N, I am going to kill you for stealing my life. You can have traitor Ron Desantis, fruadulent groeb, dumb nigger, drunk, alcoholic Walter Green, liar Mark Moseley on your team. Nothing honerable about you, N. P.S. Full disclosure N. You owe me \$ 4,000.00 per month living expenses since December 1, 2014. You owe me \$ 50,000.00 a year for taking away My right to work since December 1, 2014. You owe me a new vehicle of my choice. You owe me a new drivers license with cdl expiration date December 31, 2099. You owe me your life in state prison for twenty years for kidnapping me. You can add another 20 years on to your sentence for kidnapping Terry Looney. Are you ready to talk, N?”</p>
<p>11TH CIRCUIT MIAMI MR</p>	<p>Received several threatening emails from a gentleman whose family got an injunction against him and he is very angry because five Judges have already recused themselves from the case.</p>
<p>12TH CIRCUIT KZ</p>	<p>There is an increasing amount of defendants that are representing themselves (some sovereign citizens) and filing threats against the Judge so it is only a matter of time before the threat is made against a JA.</p>
<p>Tallahassee, FL CA</p>	<p>I have received many threats from the public and from attorneys. Just as of the last two years I have received odd emails on my work computer threatening to go public with my personal information if I didn't get my current judge to answer their questions during voting/elections. I went online and deleted what I could find, but some things are still there. When I was a JA in the trial court in Sarasota, I had an attorney harass me to the point that the judge told me not to answer the phone for the rest of the week. He was mad that the judge denied his motion after he lied to his client. He called me about 35 times in one day, each time calling from different phone numbers. He cursed me out, yelled at me, threatened to find me and harm me. I was trembling! I really thought he would hurt me. That week some of the other JAs and I walked out of the courthouse together to make sure everyone got in their cars safely. In 2020, I was grabbed by a man right outside of our current courthouse in Tampa. I was afraid to fight back because we were next to an extremely busy street. I just snatched away and ran. We really need our personal information withheld because some of the defendants get desperate, and they don't care who they hurt.</p>
<p>Tampa, FL NM</p>	<p>I have experience threats from Pro-Se's due to the pro se wanting to threaten my judge. In the threat, the pro se was able to find my physical address and mention they knew where I lived. I had to inform our corporal and the corporal asked me to let him know if I felt unsafe or notice anything unusual.</p>



The Florida Senate

Committee Agenda Request

To: Senator Clay Yarborough, Chair
Committee on Judiciary

Subject: Committee Agenda Request

Date: December 29, 2022

I respectfully request that **Senate Bill 50**, relating to Public Records / Judicial Assistants, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Thank you for your consideration.

A handwritten signature in black ink that reads "Tom A. Wright". The signature is written in a cursive, flowing style.

Senator Tom A. Wright
Florida Senate, District 8

CourtSmart Tag Report

Room: KB 412
Caption: Judiciary Committee

Case No.: -
Judge:

Type:

Started: 1/17/2023 3:32:03 PM

Ends: 1/17/2023 4:05:29 PM

Length: 00:33:27

3:32:02 PM	Meeting called to order
3:32:30 PM	Comments by Chair Yarborough
3:33:06 PM	Tab 1 - Presentation by the Office of the State Courts Administrator providing an update on the Sixth DCA
3:33:51 PM	Chief Judge Meredith L. Sasso presenting
3:41:41 PM	Chair Yarborough
3:42:46 PM	Question by Senator Harrell
3:42:57 PM	Response by Judge Sasso
3:43:52 PM	Question by Senator Harrell
3:43:58 PM	Response by Judge Sasso
3:44:16 PM	Response by Eric Maclure, State Courts System
3:45:53 PM	Question by Senator Harrell
3:46:29 PM	Response by Eric Maclure
3:47:18 PM	Question by Senator Harrell
3:47:35 PM	Response by Eric Maclure
3:48:50 PM	Brief pause, awaiting Senator Wright
3:50:04 PM	Recording Paused
3:51:09 PM	Recording Resumed
3:51:13 PM	Chair Yarborough comments then member introductions
3:51:27 PM	Senator Baxley comments
3:52:02 PM	Senator Trumbull comments
3:52:44 PM	Senator Boyd comments
3:53:08 PM	Senator DiCeglie comments
3:53:24 PM	Senator Burton comments
3:54:39 PM	Senator Harrell comments
3:55:52 PM	Senator Stewart comments
3:56:22 PM	Senator Thompson comments
3:56:40 PM	Senator Book comments
3:57:05 PM	Senator Albritton comments
3:57:28 PM	Senator Broxson comments
3:58:28 PM	Chair Yarborough comments
3:59:10 PM	Tab 2 - SB 50 by Senator Wright, Public Records/Judicial Assistants
4:00:52 PM	Question by Senator Book
4:01:24 PM	Response by Senator Wright
4:01:52 PM	Question by Senator Book
4:02:03 PM	Response by Senator Wright
4:02:08 PM	Question by Senator Stewart
4:02:19 PM	Response by Senator Wright
4:02:40 PM	Alison Dudley, Judicial Assts. Association FL waives in support
4:02:52 PM	Senator Book in Debate
4:03:28 PM	Senator Wright closes on the bill
4:04:15 PM	Roll call on SB 50
4:04:44 PM	SB 50 is reported favorable
4:05:04 PM	Senator Boyd moves to rise
4:05:16 PM	Without objection, meeting is adjourned