

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

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

Prepared By: Commerce Committee

BILL: SB 2692

INTRODUCER: Senator Aronberg

SUBJECT: Program for Dispute Resolution

DATE: April 11, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gordon	Cooper	CM	<b>Pre-meeting</b>
2.	_____	_____	JU	_____
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill makes legislative findings related to specialized divisions or sections of circuit courts which handle complex business cases. The bill indicates that funding will be provided to the Ninth, Eleventh and Thirteenth Judicial Circuits which have established such specialized divisions from nonrecurring funds. However, the bill does not specify the exact amount of funds to be allocated for this purpose.

**II. Present Situation:**

In 2006, the Florida Supreme Court created the Task Force on Management of Cases Involving Complex Litigation by Administrative Order No. AOSC06-03. The task force was charged with studying and examining the efficient and effective management of complex litigation and the resolution of discovery and other pre-trial matters in litigation. The court issued its order in recognition of the fact that certain complex legal disputes place demands on judicial resources which courts may not be able to efficiently handle.

At least 3 of the 20 judicial circuit courts have created specialized divisions that focus on one type of complex litigation—business disputes. Those circuits include: the Ninth (Orange and Osceola counties), the Eleventh (Miami-Dade County), and the Thirteenth (Hillsborough County).<sup>1</sup> The business division in each of these circuits handles cases such as antitrust suits, intellectual property cases, franchise cases, and unfair competition cases.

<sup>1</sup> The court in the Ninth Circuit was created by Administrative Order No. 2005-13 (available at <http://www.ninja9.org/adminorders/Query.asp>). The Eleventh Circuit business division was created by Administrative Order No. 06-40 (available at [http://jud11.flcourts.org/programs\\_and\\_services/complex\\_business\\_litigation.htm](http://jud11.flcourts.org/programs_and_services/complex_business_litigation.htm)). The Thirteenth

### III. Effect of Proposed Changes:

**Section 1** contains legislative findings regarding pilot programs for the adjudication and resolution of complex business, corporate, and commercial disputes.

Subsection (1) of this section states that business disputes tend to stay in the court system for an extended period of time, resulting in substantial costs to litigants and the court system. The bill also notes that the lengthy litigation has caused delays in resolving other cases.

Subsection (2) notes that pilot programs have been created in the Ninth (2004), Eleventh and Thirteenth Judicial Circuits (both in 2007) through administrative orders entered by the chief judges in those circuits. This subsection then lists several categories of business disputes that have been handled in each circuit.

Subsection (3) states that a high degree of case management is necessary to efficiently and expeditiously handle these cases. This subsection notes that more law clerks, case managers, special masters, and technological resources are needed to resolve such cases.

Subsection (4) notes that diverting resources away from other programs to adjudicate such business disputes would not serve the public interest.

**Section 2** appropriates an unspecified sum of nonrecurring funds from the General Revenue Fund to the Ninth, Eleventh, and Thirteenth Judicial Circuits for the 2007-2008 fiscal year to be used to hire law clerks, case managers, and special masters and provide additional technological resources to assist in operating these pilot programs. This section provides unspecified sums for each circuit.

**Section 3** provides an effective date of July 1, 2007.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Appropriating additional resources to these pilot programs may lead to more expeditious resolution of complex cases, thereby reducing costs to litigants.

C. Government Sector Impact:

The bill contemplates an appropriation, but does not specify the amount of the appropriation.

If the Legislature were to fund positions for this bill, the recurring costs per position would be as follows:

<b>Position</b>	<b>Salary/Benefits</b>	<b>Expenses</b>	<b>HR Fee</b>	<b>Total for position</b>
Program Specialist II	53,759	3,538	252	57,549
Staff Attorney	63,199	3,538	252	66,989
Magistrate	102,554	3,538	252	106,344

Each position also requires a non-recurring cost in the first year of operation of \$2,779.

The circuits have requested the following positions:

<b>Circuit</b>	<b>Positions</b>	<b>Recurring</b>	<b>Nonrecurring</b>
Ninth	2 Program Specialists II 2 Staff Attorneys	249,076	11,116
Eleventh	1 Program Specialist II 1 Staff Attorney 1 Magistrate	230,882	8,337
Thirteenth	1 Program Specialist II 1 Staff Attorney 1 Magistrate	230,882	8,337
<b>Totals</b>	<b>10 FTE's</b>	<b>710,840</b>	<b>27,790</b>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

---

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

---