

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: PCS/CS/SB 1396 (535720)

INTRODUCER: Judiciary Committee and Senator Steube

SUBJECT: Judgeships

DATE: February 16, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cibula</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1396 increases the number of trial court judgeships authorized by statute by two circuit court judgeships and five county court judgeships. The bill also permits Supreme Court justices permanently residing outside of Leon County to be paid subsistence and travel expenses when conducting business at the headquarters of the Supreme Court in Tallahassee. In addition, the bill increases the jurisdiction of county court to include actions at law with an amount in which the matter in controversy does not exceed \$50,000, rather than the current limit of \$15,000.

The bill's provisions increasing trial court judgeships and reimbursing justices' subsistence and travel expenses will increase state expenditures by \$2.5 million in Fiscal Year 2018-2019. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2018.

II. Present Situation:

Headquarters of the Supreme Court

Article II, section 2 of the Florida Constitution designates Tallahassee as the seat of state government "where the *offices* of the governor, lieutenant governor, cabinet members and *the*

supreme court shall be maintained and the sessions of the legislature shall be held[.]”¹ Article V, section 3 of the Florida Constitution provides that the Supreme Court will consist of seven justices, and that each of the five appellate districts “shall have at least one justice elected or appointed from the district at the time of the original appointment or election.” The chambers of all seven justices are on the fourth floor of the Florida Supreme Court building,² and all official Supreme Court business is conducted in Tallahassee.³ The justices are not required to move from their residences in the appellate districts to Tallahassee.

Headquarters for Purposes of Travel Reimbursement

Section 112.061, F.S., concerns the reimbursement of travel expenses to public employees and officers. To that end, s. 112.061(4), F.S., provides that while “[t]he official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located,” there are some exceptions:

- (a) The official headquarters of a person located in the field shall be the city or town nearest to the area where the majority of the person’s work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.
- (b) When any state employee is stationed in any city or town for a period of over 30 continuous workdays, such city or town shall be deemed to be the employee’s official headquarters, and he or she shall not be allowed per diem or subsistence, as provided in this section, after the said period of 30 continuous workdays has elapsed, unless this period of time is extended by the express approval of the agency head or his or her designee.
- (c) A traveler may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but any time lost from regular duties shall be taken as annual leave and authorized in the usual manner. The traveler shall not be reimbursed for travel expenses in excess of the established rate for per diem allowable had he or she remained at his or her assigned post. However, when a traveler has been temporarily assigned away from his or her official headquarters for an approved period extending beyond 30 days,

¹ FLA. CONST. art. II, s. 2 (emphasis added).

² Florida Supreme Court, Manual of Internal Operating Procedures, *Section 1. Court Structure*, p. 1 (Rev. Sept. 21, 2016), http://www.floridasupremecourt.org/pub_info/documents/IOPs.pdf (last visited Feb. 14, 2018).

³ “[T]he Florida Supreme Court, comprised of its Justices, has only one “office” — the Supreme Court Building, located in the Northern District.” *Castro v. Labarga*, 16-22297-CIV, 2016 WL 6565946, at *5 (S.D. Fla. Nov. 3, 2016) (citing FLA. CONST. art. II, s. 2). “In my view, the mere fact that a Florida Supreme Court justice may periodically travel outside of the Northern District of Florida to attend bar functions or educational seminars and obtains travel reimbursements does not translate the trip into an ‘official duty’ trip sufficient to generate venue in the other districts.” *Id.* “If the Florida Supreme Court maintained major offices, courtrooms or staff in other districts, then the result about venue and venue discovery might be different. But those significant facts, which Castro relies on when citing other cases, are absent here.” *Id.* (holding the proper venue of a disgruntled bar candidate suing the Florida Supreme Court is the northern district of Florida). *See also Uberoi v. Labarga*, 8:16-CV-1821-T-33JSS, 2016 WL 5914922, at *2 (M.D. Fla. Oct. 11, 2016) (transferring another disgruntled bar candidate’s case to the Northern District based a motion to dismiss filed by Justice Labarga noting that official acts by the Florida Supreme Court concerning the candidate’s admission to the bar are done in Tallahassee; citing FLA. CONST. art. II, s. 2, noting that Tallahassee “is where the offices of the Florida Supreme Court shall be maintained.”).

he or she shall be entitled to reimbursement for travel expenses at the established rate of one round trip for each 30-day period actually taken to his or her home in addition to pay and allowances otherwise provided.⁴

Additionally, s. 112.061(1)(b)1., F.S., provides that

To preserve the standardization established by this law . . . [t]he provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

Section 112.061, F.S. applies to the court system. In particular, a district court of appeal—the headquarters of which is defined by the Legislature, not the Constitution⁵—is authorized by the current version of s. 35.05(2), F.S. to “designate other locations within its district as branch headquarters for the conduct of the business of the court and as the official headquarters of its officers or employees pursuant to s. 112.061.”⁶ However, a prior version of s. 35.05, F.S. contained no such authorization and designated one city as the headquarters for each district court of appeal.⁷

On the other hand, prior versions of s. 112.061(4), in particular the 1973 version, is substantially similar if not identical to the current version of the statute.⁸ The reason this matters is that the 1973 version of s. 112.061(4) was interpreted by the Attorney General’s office to mean that a district court of appeal judge could *not* designate the city of his or her residence as his or her official headquarters for purposes of travel expenses.⁹ As explained by the AG opinion:

Section 112.061, F.S., has been uniformly interpreted by this office as authorizing reimbursement for travel expense only from the official headquarters of the public officer or employee; and, as defined in subsection 112.061(4), the official headquarters “of an officer or employee assigned to an office shall be the city or town in which the office is located” (The provisions of paragraphs (4)(a), (b), and (c), relating to public officers or employees “located in the field” or “stationed” in another city or town, are not applicable her for obvious reasons.) The official headquarters of each district court of appeal is designated by statute, s. 35.05, F.S., and that is where the majority of the work of the court is performed.¹⁰

Notably, the AG Opinion relied on the fact that s. 35.05, F.S., designated the official headquarters of each district court of appeal in specific cities. However, as already noted, s. 35.05, F.S., has since been amended and now permits a district court of appeal to “designate

⁴ Section 112.061(4)(a)-(c), F.S.

⁵ Section 35.05(1), F.S. (designating the city in which the headquarters for each appellate district must be located).

⁶ Section 35.05(2), F.S.

⁷ See s. 35.05, F.S., <http://fall.law.fsu.edu/FIStatutes/docs/1973/1973TVC35.pdf> (last visited Feb. 15, 2018).

⁸ See s. 112.061, F.S., <http://fall.law.fsu.edu/FIStatutes/docs/1973/1973TXC112.pdf> (last visited Feb. 15, 2018).

⁹ Op. Att’y Gen. Fla. 74-132 (1974).

¹⁰ *Id.*

other locations within its district as branch headquarters for the conduct of the business of the court and as the official headquarters of its officers or employees pursuant to s. 112.061.”¹¹

Currently, it appears that only the Second District Court of Appeal has designated a second branch office, in Tampa on the Stetson University campus.¹² However, the Second District’s clerk’s office is at the official headquarters in Lakeland.¹³

Neither justices of the Supreme Court nor judges for the district courts of appeal residing outside the city where their respective courts are headquartered receive travel and subsistence reimbursement.

Certification of Need for Additional Judges

Article V, section 9 of the Florida Constitution requires the Florida Supreme Court to submit recommendations to the Legislature when there is a need to increase or decrease the number of judges.¹⁴ The constitutional provision further directs the Court to base its recommendations on uniform criteria adopted by court rule.

The Court’s rule setting forth criteria for assessing judicial need at the trial court level is based primarily upon the application of case weights to circuit and county court caseload statistics.¹⁵ These weights are a quantified measure of judicial time spent on case-related activity. The judicial workload is then based on judicial caseloads adjusted in the relative complexity of various case types.

In addition to the statistical information, the Court, in weighing the need for trial court judges, will also consider the factors below which primarily relate to the resources available to a judicial circuit:

- (i) The availability and use of county court judges in circuit court.

¹¹ Section 35.05(2), F.S.

¹² Florida Second District Court of Appeal, <http://www.2dca.org/Directions/tampa.shtml> (last visited Feb. 15, 2018).

¹³ *Id.*

¹⁴ FLA. CONST. art. V, s. 9. states:

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.

¹⁵ Fla. R. Jud. Adm. 2.240(b)(1)(A).

- (ii) The availability and use of senior judges to serve on a particular court.
- (iii) The availability and use of magistrates and hearing officers.
- (iv) The extent of use of alternative dispute resolution.
- (v) The number of jury trials.
- (vi) Foreign language interpretations.
- (vii) The geographic size of a circuit, including travel times between courthouses in a particular jurisdiction.
- (viii) Law enforcement activities in the court's jurisdiction, including any substantial commitment of additional resources for state attorneys, public defenders, and local law enforcement.
- (ix) The availability and use of case-related support staff and case management policies and practices.
- (x) Caseload trends.¹⁶

In addition to the weighted caseload statistics, the Court will also consider the time to perform other judicial activities, such as reviewing appellate decisions, reviewing petitions and motions for post-conviction relief, hearing and disposing motions, and participating in meetings with those involved in the justice system.¹⁷ Finally, the Court will consider any request for an increase or decrease in the number of judges that the chief judge of the circuit “feels are required.”¹⁸

Certification of Need for Additional Judges for FY 2018-2019

Following its criteria for determining the need for judges, the Florida Supreme Court recently issued an order certifying the need for additional judges for the 2018-2019 fiscal year.¹⁹ In the order, the Court requested two additional judgeships for the Ninth Judicial Circuit, which encompasses Orange and Osceola Counties, and two additional county court judgeships in Hillsborough County.²⁰ The Court also decertified the need for 13 county court judgeships as follows: one from Escambia County, two from Pasco County, one from Putnam County, one from Alachua County, one from Polk County, one from Monroe County, three from Brevard County, one from Charlotte County, and one from Collier County.²¹

Judicial Nominating Commissions

Unless otherwise provided by law, the Governor fills a newly created judgeship by appointing a judge from among three to six persons nominated by a judicial nominating commission.²² Once a vacancy occurs, a judicial nominating commission must submit its nominations to the Governor within 30 days, but the Governor may grant an extension to the commission of up to 30 days.²³

¹⁶ Fla. R. Jud. Admin. 2.240(b)(1)(B).

¹⁷ Fla. R. Jud. Admin. 2.240(c).

¹⁸ Fla. R. Jud. Admin. 2.240(d).

¹⁹ *In Re: Certification of Need for Additional Judges*, 2017 WL 5623576 (Fla. 2017).

²⁰ *Id.* at *3.

²¹ *Id.* at *4.

²² FLA. CONST. art. V, s. 11; *Hoy v. Firestone*, 453 So. 2d 814 (Fla. 1984) (recognizing that the Legislature may provide for newly created judgeships to be filled by election or appointment).

²³ Fla. Const. art. V, s. 11(c). The judicial vacancies created by the bill do not occur until its effective date of July 1, 2018. However, “nothing in the Florida Constitution prevents the relevant judicial nominating commission (“JNC”) from beginning

Within 60 days after receiving the nominations, the Governor must make an appointment to fill the vacancy.²⁴

The appointee's term will end "on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of appointment." Thus, the initial term of a judgeship created during the 2018 Session will end on January 12, 2021. At the end of the appointed term, the judicial offices will be filled by election.²⁵

Legislative Powers Concerning Court Jurisdiction

The Constitution confers some authority over the jurisdiction of the courts to the Legislature. Although the territorial and subject matter jurisdiction of the Florida Supreme Court is primarily defined by the Constitution, the Legislature has constitutional authority to provide for the territorial jurisdiction and the subject matter jurisdiction of the courts.²⁶ For example, the Legislature is granted broad authority to define the jurisdiction²⁷ of the county courts: "The county courts shall exercise the jurisdiction *prescribed by general law*. Such jurisdiction shall be uniform throughout the state."²⁸

Because the jurisdiction of the circuit court is limited by the jurisdiction of the county courts under the Constitution, the Legislature's authority to define the jurisdiction of the circuit courts is also fairly broad:

The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals *when provided by general law*. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit court shall be uniform throughout the state. They shall have the power of direct review of administrative action *prescribed by general law*.²⁹

the process of nominating ... before the vacancy actually occurs." *Advisory Opinion to the Governor re Judicial Vacancy Due to Mandatory Retirement*, 940 So. 2d 1090, 1095 (Fla. 2006) (Cantero, J., concurring).

²⁴ *Id.*

²⁵ FLA. CONST. art V, s. 11(b).

²⁶ "Jurisdiction" is defined as "[a] government's general power to exercise authority over all persons and things within its territory; esp., a state's power to create interests that will be recognized under common-law principles as valid in other states <New Jersey's jurisdiction>." BLACK'S LAW DICTIONARY (10th ed. 2014). For courts, jurisdiction is defined as "[a] court's power to decide a case or issue a decree <the constitutional grant of federal-question jurisdiction>." *Id.* Additionally, jurisdiction is defined geographically: "A geographic area within which political or judicial authority may be exercised <the accused fled to another jurisdiction>." *Id.*

²⁷ See *Alexdex Corp. v. Nachon Enterprises, Inc.*, 641 So. 2d 858, 861 (Fla. 1994) ("The jurisdiction of the courts of the state is broadly defined by our State Constitution; however, the legislature may further define a court's jurisdiction so long as the jurisdiction, as redefined, is not in conflict with the Constitution. . . . Absent a constitutional prohibition or restriction, the legislature is free to vest courts with exclusive, concurrent, original, appellate, or final jurisdiction.") (citing *State v. Sullivan*, 95 Fla. 191, 116 So. 255 (1928)).

²⁸ FLA. CONST. art. V, s. 6(b) (emphasis added). Additionally, the Legislature establishes the number of judges to serve in each county. *Id.* at s. 6(a).

²⁹ FLA. CONST. art. V, s. 5(b) (emphasis added).

County Court Jurisdiction

As provided by the Legislature in s. 34.01, F.S., the county court is a trial court that has jurisdiction over the following subject matters within its jurisdictional (monetary) amount of \$15,000:

- All criminal misdemeanor cases not cognizable by the circuit courts;
- All violations of municipal and county ordinances;
- All actions at law involving damages up to \$15,000, not including interest, costs, and attorney's fees, unless the cause of action is within the exclusive jurisdiction of the circuit courts;
- Concurrent jurisdiction with the circuit courts over disputes between homeowners' associations and parcel owners;
- Concurrent jurisdiction with circuit courts to hear uncontested dissolution of marriage petitions under the simplified dissolution procedures;
- Any subject matter jurisdiction previously exercised by the county courts prior to the adoption of the 1968 Constitution, including that of the small claims courts; and
- Any matter in equity (such as an eviction)³⁰ that is within the jurisdictional amount of the county court, \$15,000.

The Legislature has increased the jurisdictional amount of county court three times since 1980. Before July 1, 1980, the amount was \$2,500; on July 1, 1980, it changed to \$5,000; on July 1, 1990, to \$10,000; and on July 1, 1992, to \$15,000. According to the Consumer Price Index, \$15,000 in July 1992 had the same buying power as \$26,319 in December 2017.

The National Center for State Courts reports that jurisdictional amounts for courts comparable to Florida's county courts range from \$5,000 to \$200,000.³¹ Florida is one of four states with a limit of \$15,000. Four states have a jurisdictional limit of \$25,000; 22 states use \$30,000 or less; one uses \$40,000; and five use more than \$40,000, with four of those greater than \$50,000.³²

Circuit Court Jurisdiction

Because the circuit courts have exclusive jurisdiction over "all actions at law not cognizable by the county courts," the circuit court's current jurisdictional amount is \$15,000 or above for cases demanding money judgments.³³

Additionally, with two exceptions, the circuit court has appellate jurisdiction over county court cases. Under the two exceptions, the district court of appeal has appellate jurisdiction over a county court case when a county court either declares a statute or constitutional provision invalid

³⁰ Section 34.011, F.S. (providing that county and circuit courts generally have concurrent jurisdiction over landlord tenant cases, although county court will have exclusive jurisdiction over proceedings relating to the right of possession so long as matter is under \$15,000.).

³¹ National Center for State Courts, *Civil Jurisdiction Thresholds*, available at <http://www.ncsc.org/~media/files/pdf/topics/civil%20procedure/civil%20jurisdiction%20thresholds%20history.ashx> (last visited Feb. 9, 2018).

³² Not all states provided data to the National Center for State Courts and some states have a single-tier trial court or threshold ranges.

³³ Section 26.012(2)(a), F.S.

or certifies a question of great public importance.³⁴ Additionally, if the law applied by the circuit court sitting in its appellate capacity is in question, a party may seek review by the appropriate district court of appeal by filing a petition of writ of certiorari.³⁵

Notably, foreclosure cases, which are cases in equity, are not one of the subject areas statutorily defined as being within the exclusive jurisdiction of the circuit court.³⁶ Rather, the Florida Supreme Court in *Alexdex Corp. v. Nachon Enterprises, Inc.*, concluded in resolving a conflict between the statutes setting forth the county court's and the circuit court's equity jurisdiction in foreclosure cases, "the legislature intended to provide concurrent equity jurisdiction in circuit and county courts, except that equity cases filed in county courts must fall within the county court's monetary jurisdiction, as set by statute."³⁷

III. Effect of Proposed Changes:

Section 1 creates s. 25.025, F.S., to permit a Supreme Court justice permanently residing outside of Leon County to be paid subsistence and travel expenses, at a rate established by the Chief Justice, when conducting business at the headquarters of the Supreme Court in Tallahassee. A justice who resides outside of Leon County is authorized to designate an official headquarters in the District Court of Appeal district in which he or she resides, located in a district court of appeal courthouse, county courthouse or other appropriate facility. A justice will be paid travel expenses when travelling between his or her official headquarters and Tallahassee on official business and reimbursed subsistence for each day or partial day he or she is in Tallahassee. The Supreme Court may not use state funds to lease space in a facility to establish an official headquarters for a justice.

Section 2 amends s. 26.031, Florida Statutes, to add two circuit court judgeships to the Ninth Judicial Circuit Court, which includes Orange and Osceola Counties. The newly created judgeships will be filled by the Governor from among nominees by the Ninth Circuit Judicial Nominating Commission.

Section 3 amends s. 34.01, Florida Statutes, to expand the jurisdiction of county court to include actions at law with an amount in which the matter in controversy does not exceed \$50,000, rather than the current limit of \$15,000. The new limit applies to actions filed on or after January 1, 2020. The bill requires that the Legislature adjust the limit every 5 years to reflect the rate of inflation or deflation as indicated in the Consumer Price Index.

The bill also provides that parties shall pay the filing fees in the same amounts and in the same manner as current law. In other words, if the amount in controversy exceeds \$15,000 but is less than the new limit of \$50,000, the party would pay the filing fees associated with circuit court

³⁴ Section 26.012(1), F.S.

³⁵ FLA. CONST. art. V, s. 4(b)(3) (authorizing district courts of appeal to issue writs of certiorari among others). Philip J. Padovano, *Appellate Practice*, 2 Fla. Prac., § 30:5 (2017 ed.) ("A party may file a petition for writ of certiorari to review . . . an appellate decision of a lower court[.]"). On petition for writ of certiorari, the district court reviews for whether the circuit court departed from the essential requirements of the law; or, put another way, whether the circuit court "(1) afforded the parties due process of law[,] and (2) applied the correct law." *Id.*

³⁶ Section 26.012(2), F.S.

³⁷ 641 So. 2d 858, 862 (Fla. 1994).

even though the case would now reside in county court. This provision ensures that there will be no change to state revenues resulting from the bill.

Section 4 amends s. 34.002, Florida Statutes, to add five new county judgeships – two in Hillsborough County, and one each in Citrus, Columbia and Flagler counties. The newly created judgeships will be filled by the Governor from among nominees by the appropriate judicial nominating commissions.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Addition of Judges Not Certified by the Florida Supreme Court- In order to create the three additional county court judgeships in Citrus, Columbia, and Flagler Counties, article V, section 9 of the Florida Constitution requires that these additions be approved by a two-thirds vote of each house.

Headquarters of the Florida Supreme Court Justices- It is unclear whether the Legislature has the authority to authorize the Chief Justice of the Florida Supreme Court to establish “headquarters” under s. 112.061, F.S., for any justice outside of Tallahassee, even if it is within the justice’s district.

Article II, section 2 of the Florida Constitution designates Tallahassee as the seat of state government “where the *offices* of the governor, lieutenant governor, cabinet members and *the supreme court shall be maintained* and the sessions of the legislature shall be held[.]”³⁸ Under the rule of construction, “*expressio unius est exclusio alterius*” (the expression of one thing is the exclusion of the other), it appears by excluding the word “offices” for the legislature and only requiring that session be held in Tallahassee, the drafters of article II, section 2 understood that legislators must have offices within their districts around the state. However, the word “offices” is specifically used in reference to the governor, lieutenant governor, cabinet members, and the Florida Supreme Court in

³⁸ FLA. CONST. art. II, s. 2 (emphasis added).

article II, section 2, and specifically requires that those offices be located at the seat of government in Tallahassee.

While permitting a justice to work remotely or establish a private chamber in another courthouse in the state does not appear to be problematic, it appears that another “headquarters” outside of Tallahassee may not be constitutionally permissible.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

In the jurisdictions where the bill creates new judgeships, litigants may have their cases resolved more quickly.

C. Government Sector Impact:

State Government

Supreme Court Travel Expenses (Section 1)

According to the Office of the State Court Administrator, the travel and subsistence provisions have an annual fiscal impact of \$209,930 in recurring general revenue funds. Supreme Court travel costs are based on official state mileage, assuming 40 round trips yearly per justice between Tallahassee and the DCA headquarters in the justice’s home appellate district. Subsistence costs assume 77 meeting days at \$131 per day and 80 travel days at \$98.25 per day, or \$17,947 per justice.³⁹

New Circuit Court Judgeships (Section 2)

When circuit court judgeships are created, other costs must be incurred in addition to the salary and benefits for each new judge. The largest of these costs are for the salary and benefits of a judicial assistant and a law clerk for each judge. According to the Office of the State Courts Administrator, the total costs to fund the addition of the two circuit court judgeships created by the bill are \$815,862 from the General Revenue Fund, of which \$14,394 are non-recurring costs.⁴⁰

New County Court Judgeships (Section 4)

When county court judgeships are created, the state must incur other costs in addition to the salary and benefits of each new judge. The largest of these costs are for the salary and benefits for a judicial assistant for each judge. Based on figures from the Office of the State Courts Administrator, the total costs to fund the addition of the five county court

³⁹ Office of the State Court Administrator, *Supreme Court Headquarter Travel Analysis* (on file with the Senate Appropriations Subcommittee on Criminal and Civil Justice).

⁴⁰ Office of the State Courts Administrator, *Judicial Impact Statement* (Nov. 22, 2017) (on file with the Senate Committee on Judiciary).

judgeships created by the bill are \$1,556,890 from the General Revenue Fund, of which \$23,990 are non-recurring costs.

Local Government

Under article V section 14(c) of the Florida Constitution and s. 29.008, F.S., counties are required to provide the court system, including the state attorney and the public defender, with facilities, security, and communication services, including information technology. Under the bill, the counties will incur an indeterminate amount of costs associated with providing those services to the new judges and judicial staff. The clerks of the court will also be required to provide additional services to the new judges.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 25.025, Florida Statutes, and substantially amends the following sections of the Florida Statutes: 26.031, 34.01, and 34.022.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on February 14, 2018:

The committee substitute:

- Permits Supreme Court justices permanently residing outside of Leon County to be paid subsistence and travel expenses;
- Increases the jurisdiction of county court to include actions at law with an amount in which the matter in controversy does not exceed \$50,000, rather than the current limit of \$15,000; and,
- Increases the number of county judgeships in the bill from two judgeships to five judgeships.

CS by Judiciary on January 25, 2018:

The committee substitute no longer includes a provision that would have reduced the number of county court judges in Monroe County.

B. Amendments:

None.

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