

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 Appropriations

BILL: PCS/CS/SB 1392 (552754)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Criminal and Civil Justice); Judiciary Committee; and Senator Simmons

SUBJECT: Official Headquarters of Judicial Officers

DATE: March 2, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>Dale</u>	<u>Jameson</u>	<u>ACJ</u>	<u>Recommend: Fav/CS</u>
3.	<u>Dale</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/CS/SB 1392 provides that a District Court of Appeal judge who lives more than 50 miles from his or her DCA's courthouse or other headquarters is eligible to have an alternative official headquarters and to be reimbursed for trips between these locations. Additionally, the bill expands the list of work-travel expenses for which a Supreme Court justice may be reimbursed.

A DCA judge who is approved for an alternative headquarters is eligible for reimbursement of the cost of the travel, lodging, and meals necessitated by travel to the DCA courthouse.

The alternative headquarters, which may serve only as judicial chambers and be used for official judicial business, may be in any appropriate facility, including a county courthouse. However, the bill expressly provides that no county is required to provide space to a DCA judge for his or her headquarters. And though the district court of appeal may enter into an agreement with a county regarding the use of courthouse space, the bill prohibits the payment of state funds for use of the space.

As to Supreme Court justices, the bill provides for reimbursement of additional expenses incurred on work-related trips compared to what is authorized under current law. These additional expenses include taxi fare, toll fees, and parking fees. Also, with the approval of the Chief Justice, a justice may choose between reimbursement for meals and lodging at the rates set

forth in the main state-employee-reimbursement statute or at a fixed rate prescribed by the Chief Justice.

As part of its Fiscal Year 2020-2021 legislative budget request, the judicial branch has requested \$125,000 in recurring funds for travel reimbursement for eligible district court of appeal (DCA) judges. Currently, SB 2500, Senate General Appropriations Bill for Fiscal Year 2020-2021, includes \$125,000 recurring General Revenue funds for this purpose.

The bill takes effect July 1, 2020.

II. Present Situation:

DCA Headquarters

Section 35.05(1), F.S., provides the following official headquarters for the five DCAs:

- First DCA: Second Judicial Circuit, Tallahassee, Leon County.
- Second DCA: Tenth Judicial Circuit, Lakeland, Polk County.
 - Branch Office: Thirteenth Judicial Circuit, Tampa, Hillsborough County.
- Third DCA: Eleventh Judicial Circuit, Miami-Dade County.
- Fourth DCA: Fifteenth Judicial Circuit, Palm Beach County.
- Fifth DCA: Seventh Judicial Circuit, Daytona Beach, Volusia County.

A DCA judge is entitled to reimbursement for expenses incurred in work-related trips away from his or her headquarters—which by default is each judge’s DCA courthouse. The Second DCA is headquartered in Lakeland, Florida.¹ However, s. 35.05(2), F.S., provides that a “district court of appeal may 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.”² Currently, the Second DCA is the only DCA in Florida which has a designated branch headquarters.

State Employee and Officer Reimbursement for Work-Related Travel

Section 112.061, F.S., is the main statute governing state employee and officer reimbursement for work-related travel. This section provides for reimbursement of travel, subsistence, and lodging in differing amounts based on several factors, including the duration and distance of a trip.

In regards to “headquarters for purposes of travel reimbursement,” s. 112.061(4), F.S., provides that “[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,” with the following exceptions:

- The official headquarters of a person located in the field is 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 designated by the agency head provided that the

¹ Section 35.05(1), F.S.

² Emphasis added.

designation is in the best interests of the agency and not for the convenience of the employee.

- When any state employee is stationed in a city or town for a period of over 30 continuous workdays, that city or town is the employee's official headquarters, and he or she is not allowed per diem or subsistence, after the 30 continuous workdays have elapsed, unless that time period is extended by the agency head or his or her designee.
- Additionally, s. 112.061(1)(b)1., F.S., provides that: employee may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but time lost from work must be taken as annual leave. The employee cannot be reimbursed for travel expenses other than per diem allowable had he or she remained at the temporary post. However, when an employee is temporarily assigned away from his or her official headquarters for more than 30 days, he or she can receive reimbursement for travel expenses for one round trip for each 30-day period actually taken to his or her home.³

An employee may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but time lost from work must be taken as annual leave. The employee cannot be reimbursed for travel expenses other than per diem allowable had he or she remained at the temporary post. However, when an employee is temporarily assigned away from his or her official headquarters for more than 30 days, he or she can receive reimbursement for travel expenses for one round trip for each 30-day period actually taken to his or her home. Additionally, s. 112.061(1)(b)1., F.S., provides that:

To preserve the standardization established by this law . . . The 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.

Alternative Official Headquarters for Supreme Court Justices

In 2019, the Legislature enacted s. 25.025, F.S., authorizing alternative official headquarters for justices who reside outside of Leon County. More particularly, under this statute a justice who resides outside of Leon County may:

- Request that a district court of appeal courthouse, a county courthouse, or other appropriate facility in the justice's district be designated as his or her official headquarters and serve as the justice's private chambers; and
- Be reimbursed for travel and subsistence while in Tallahassee to the extent funding is available, as determined by the Chief Justice.

Section 25.025, F.S., also provides that the Chief Justice is required to coordinate with the justice seeking private chambers in his or her district and any state and local officials as necessary. The Supreme Court and a county courthouse may enter into an agreement to establish private chambers at the county courthouse for a justice, but the courthouse is under no obligation to

³ Section 112.061(4)(a)-(c), F.S.

provide space for the justice. Additionally, the Supreme Court may *not* use state funds to lease space in a county courthouse for use as a private chamber.

III. Effect of Proposed Changes:

The bill provides that a District Court of Appeal judge who lives more than 50 miles from his or her DCA's courthouse or other headquarters is eligible to have an alternative official headquarters and to be reimbursed for trips between these locations. Additionally, the bill expands the list of work-travel expenses for which a Supreme Court justice may be reimbursed.

A DCA judge who is approved for an alternative headquarters is eligible for reimbursement of the cost of the travel, lodging, and meals necessitated by travel to the DCA courthouse.

The alternative headquarters, which may serve only as judicial chambers and be used for official judicial business, may be in any appropriate facility, including a county courthouse. However, the bill expressly provides that no county is required to provide space to a DCA judge for his or her headquarters. And though the district court of appeal may enter into an agreement with a county regarding the use of courthouse space, the bill prohibits the payment of state funds for use of the space.

As to Supreme Court justices, the bill provides for reimbursement of additional expenses incurred on work-related trips compared to what is authorized under current law. These additional expenses include taxi fare, toll fees, and parking fees. Also, with the approval of the Chief Justice, a justice may choose between reimbursement for meals and lodging at the rates set forth in the main state-employee-reimbursement statute or at a fixed rate prescribed by the Chief Justice.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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:

None.

C. Government Sector Impact:

The bill amends an existing statute that authorizes the payment of travel expenses for eligible justices who travel between an alternate headquarters and the Supreme Court's headquarters. As part of the Fiscal Year 2018-2019 General Appropriations Act (Specific Appropriation 3129, s. 7, ch. 2018-9, Laws of Fla.), the Legislature appropriated \$209,930 in recurring funds for reimbursement of such travel expenses by justices. Thus, the judicial branch's base budget includes funding for this purpose. The State Courts System does not anticipate that the refinements to the existing statute related to the reimbursement of additional expenses incurred on work-related trips for Supreme Court justices will necessitate additional funding.

The bill also creates comparable statutory authority to reimburse eligible district court of appeal judges for travel between an alternate headquarters and the headquarters of the court. As part of its Fiscal Year 2020-2021 legislative budget request, the judicial branch requested \$125,000 in recurring funds for travel reimbursement for eligible district court of appeal (DCA) judges. Currently, SB 2500, the Senate General Appropriations Bill for Fiscal Year 2020-2021, includes \$125,000 recurring General Revenue funds for this purpose.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 25.025 of the Florida Statutes.

This bill creates section 35.051 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.)

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on February 13, 2020:

The committee substitute makes a technical change to correct the placement of the reference to “branch headquarters,” so that it is consistent with other references in the bill.

CS by Judiciary on January 21, 2020:

The committee substitute authorizes the Chief Justice to set policies and parameters for the use of alternative headquarters and travel reimbursement by eligible justices. Additionally, the committee substitute specifies that its provisions control over any conflicting provision in the travel-reimbursement statute that applies to all state employees and officers.

- B. **Amendments:**

None.