

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: Professional Staff of the Committee on Appropriations

BILL: SPB 2514

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Judges

DATE: January 30, 2024

REVISED: _____

ANALYST

Harkness

STAFF DIRECTOR

Sadberry

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 2514 amends s. 26.031, F.S., and s. 34.022, F.S., to establish two new circuit court judgeships (one in the First Judicial Circuit and one in the Twentieth Judicial Circuit) and six new county court judgeships (three in Orange County, two in Hillsborough County, and one in Santa Rosa County).

The Supreme Court issued Order No. SC2023-1586, dated November 30, 2023, certifying the need for one additional circuit court judge (Twentieth Circuit) and five additional county court judges (three in Orange County and two in Hillsborough County).

The bill conforms to SPB 2500, the Senate's proposed Fiscal Year 2024-2025 General Appropriations Act, which includes \$3,361,276 in General Revenue funding, and authorizes eighteen full-time equivalent positions with associated salary rate of 1,991,093, for the newly established judgeships and associated judicial assistants and attorney staffing.

The bill is effective July 1, 2024.

II. Present Situation:

Article V, s. 9 of the State Constitution 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.

To determine a need for trial court judgeships, the Office of State Courts Administrator (OSCA) relies on an analysis of weighted caseload filings per judge. In 1999, at the request of the Florida Legislature, the OSCA contracted with the National Center for State Courts (NCSC) to develop and validate a Delphi-based Weighted Caseload System.¹

The weighted caseload system assigns a time value to cases by their case type, based on the various kinds and complexity of the cases that are filed. The case type time value, or case weight, establishes an approximate workload value per case filing by case type, which is used to determine the number of judges required to handle these cases. The weighted caseload system is revised periodically to account for changes in procedure and case complexity. The system was updated by the OSCA and the NCSC in 2007, and most recently in 2016.

The Supreme Court issued Order No. SC2023-1586, dated November 30, 2023, in regard to the Certification of Need for Additional Judges.² In the certification, the Court certified the need for:

- One additional court judgeship in the Twentieth Judicial Circuit; and
- Five additional county court judgeships, three in Orange County and two in Hillsborough County.

Article V, s. 9 of the State Constitution requires that upon receipt of such certificate, the Legislature, at the next regular session, to consider the findings and recommendations and reject the recommendations or by law implement the recommendations in whole or in part. If the Legislature creates more judicial offices than are recommended by the Court or decreases the number of judicial offices by a greater number than recommended by the Court, then there needs to be a finding of two-thirds of the membership of both houses of the Legislature, that such a need exists.³

III. Effect of Proposed Changes:

The bill establishes two new circuit court judgeships, one in the Twentieth Judicial Circuit and one in the First Judicial Circuit, three new county court judgeships in Orange County, two new county court judgeships in Hillsborough County, and one new county court judgeship in Santa Rosa County. Specifically, the bill revises the judgeships as follows:

- First Judicial Circuit: 25 to 26.
- Twentieth Judicial Circuit: 31 to 32.
- Hillsborough County: 23 to 25.

¹ National Center for State Courts, *Florida Judicial Workload Assessment Final Report*, Office of the State Courts Administrator (May 16, 2016), <http://www.flcourts.org/core/fileparse.php/558/urlt/Final-Florida-Judicial-Workload-Assessment-Final-report.pdf>

² *In Re: Certification of Need for Additional Judges*, SC2023-1586 (Fla. SC 2023)

³ Article V, s. 9, Fla. Const.

- Orange County: 19 to 22.
- Santa Rosa County: 2 to 3.

The bill takes effect July 1, 2024.

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.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill conforms current law to the Senate's proposed Fiscal Year 2024-2025 General Appropriations Act, which includes \$3,361,276 in General Revenue funding, and authorizes eighteen full-time equivalent positions with associated salary rate of 1,991,093, for the newly established judgeships and associated judicial assistant and attorney staffing.

The cost of county judges and judicial assistants are paid for by the state. Under s. 29.008, F.S., counties are responsible for facilities, security, communications and information technology costs for county courts. The bill could result in additional costs in these areas, to the extent that county courts will be receiving additional judges and

associated staff; however, any additional costs associated with the newly established positions can likely be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 26.031 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.)

None.

B. Amendments:

None.