

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 5301

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Justice Appropriations
Subcommittee; McBurney

100 **Y's** 17 **N's**

**COMPANION
BILLS:** None

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 5301 passed the House on May 2, 2014 and subsequently passed the Senate on May 2, 2014. The bill conforms to the Fiscal Year 2014-15 General Appropriations Act (GAA) by creating three additional appellate judgeships within the state. The Supreme Court Order No. SC13-2296, dated December 19, 2013, certified the need for three additional judges in the appellate courts. Specifically, the bill creates two additional judgeships in the Second District Court of Appeal and one additional judgeship in the Fifth District Court of Appeal.

The Fiscal Year 2014-15 General Appropriations Act appropriates \$1.3 million in recurring general revenue and 12 FTE with associated salary rate. See fiscal impact section.

The bill was approved by the Governor on June 2, 2014, ch 2014-58, L.O.F., and became effective on July 1, 2014.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Certification of Need for Additional Judges

Section 9, Article V of the State Constitution requires the Florida Supreme Court to recommend to the Legislature the need for additional judges.¹ To determine a need for district court of appeal judgeships, the Office of State Courts Administrator (OSCA) relies on an analysis of weighted caseload dispositions per judge. In 2005, the Commission on District Court of Appeal Performance and Accountability (Commission) developed two processes to examine the uniform criteria applied by the Supreme Court in determining whether to certify the need for increasing or decreasing the number of judges on a district court of appeal:

1. An annual review of the need for new judges by each district court; and
2. Every four years, a review of the workload trends of the district courts of appeal and consideration of adjustments to the relative case weights by the Commission.²

This system was used to develop the Court's latest request for new district court of appeal judgeships.

Supreme Court Order, No. SC13-2296; In Re: Certification of Need for Additional Judges, dated December 19, 2013, certifies the need 3 additional District Courts of Appeals judgeships.³ Specifically, it certified the need for two additional judgeships in the Second District Court of Appeal and one additional judgeship in the Fifth District Court of Appeal.

Effect of the Bill

The bill amends s. 35.06, F.S., to establish two additional judges in the Second District Court of Appeal and one additional judgeship in the Fifth District Court of Appeal.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹ Section 9, Article V, 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. 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.

² "District Courts of Appeal, History of Certification" by OSCA (on file with Justice Appropriations Subcommittee)

³ The certification also certified a need for 7 additional Circuit Court judgeships, and 39 additional County Court judgeships.

1. Revenues:

The bill does not appear to have any impact on state government revenues.

2. Expenditures:

The FY 2014-15 GAA appropriates \$1.3 million in recurring general revenue and 12 FTE with associated salary rate for the addition of 3 new judgeships. Each year, the GAA sets the salaries for appellate judges. As of October 1, 2013 the judicial salary for an appellate judge is \$154,140.

Additional FTE and recurring general revenue are provided for support staff for each additional judge. One appellate court judicial assistant and two appellate court law clerks are provided for each additional judge in the appellate court for a total of 12 FTE including the judges. The \$1.3 million is appropriated to the salaries and benefits, expenses, and HR services categories to each appellate court receiving additional judgeships.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may result in litigants' cases being resolved faster within the appellate courts.

D. FISCAL COMMENTS:

None.