

**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.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SPB 2506

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Judiciary

DATE: March 24, 2015

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

ANALYST

Harkness

STAFF DIRECTOR

Kynoch

REFERENCE

AP

ACTION

**Pre-meeting**

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**I. Summary:**

SPB 2506 authorizes Supreme Court justices and appellate court judges to receive reimbursement for travel expenses and subsistence incurred while conducting official business of the court.

The fiscal impact of the bill is \$353,811 in recurring general revenue.

This bill takes effect July 1, 2015.

**II. Present Situation:**

The Florida Constitution requires that the Supreme Court consist of seven justices and that each appellate district must have at least one justice elected or appointed from the district to the Supreme Court who is a resident of the appellate district at the time of the original appointment or election.<sup>1</sup> While the work of the Supreme Court is performed in Tallahassee, the justices are not required to move from their residences in the appellate districts to Tallahassee. Justices are not authorized to receive reimbursement for travel between their home residences and the Supreme Court in Tallahassee.

In 1956, the Florida electorate approved a constitutional amendment creating an appellate court system in Florida. Florida law authorizes 64 appellate judges who reside within five district courts of appeal (DCAs).<sup>2</sup>

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<sup>1</sup> FLA. CONST. art. V, s. 3.

<sup>2</sup> Section 35.06, F.S.

District Court of Appeal	Circuits	Approximate Square Miles	Headquarters	Number of Judges
First	First, Second, Third, Fourth, Eighth, Fourteenth	21,773	Second (Tallahassee, Leon County)	15
Second	Sixth, Tenth, Twelfth, Thirteenth, Twentieth	13,017	Tenth (Lakeland, Polk County)	16
Third	Eleventh and Sixteenth	2,942	Eleventh (Miami-Dade County)	10
Fourth	Fifteenth, Seventeenth, Nineteenth	5,648	Fifteenth (Palm Beach County)	12
Fifth	Fifth, Seventh, Ninth, Eighteenth	10,618	Seventh (Daytona Beach, Volusia County)	11

Source: Sections 35.01-35.05, F.S.

Florida’s appellate regions encompass large geographic regions. Appellate judges may live anywhere in the district but are not compensated for travel to and from the district courts’ headquarters. As a result, few of the appellate judges live outside the districts’ headquarters circuit and remote areas of the appellate district are underrepresented. For example, in the First DCA, a district that includes six judicial circuits, only two of the court’s fifteen judges live outside of the district’s headquarters (Tallahassee). Florida’s Fifth DCA encompasses thirteen central Florida counties and over 10,000 square miles. Three of the judges live in the Seventh Judicial Circuit (Daytona Beach), where the court is located. Five of the judges live in the Orlando area and travel more than 100 miles each time they travel to court. Two of the court’s judges make a 150-mile round-trip drive from Melbourne in Brevard County.

**III. Effect of Proposed Changes:**

**Section 1** creates s. 25.025, F.S., permitting Supreme Court justices permanently residing outside of the Second Judicial Circuit to be paid subsistence and travel expenses, pursuant to s. 112.061, F.S., when conducting business at the headquarters of the Supreme Court in Tallahassee. Justices who reside outside of the Second Judicial Circuit are authorized to designate an official headquarters in their county of residence, located in a district court of appeal courthouse, county courthouse or other appropriate facility. Justices will be paid travel expenses when travelling between their official headquarters and Tallahassee on official business and reimbursed subsistence for each day or partial day they are 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. 35.05, F.S., permitting DCA judges permanently residing outside the judicial circuit in which their district court’s headquarters or branch is located to be paid travel expenses, pursuant to s. 112.061, F.S., from their county of residence to the headquarters of the appellate district. If an appellate judge resides outside the judicial circuit in which the appellate district headquarters is located and more than 50 miles from the headquarters, a DCA judge may designate an official headquarters in her or her county of residence at a county courthouse or other appropriate facility. The judge may be reimbursed for travel between the judge’s official

headquarters and the headquarters of the appellate district. A DCA may not use state funds to lease space in a facility to establish an official headquarters for an appellate judge.

**Section 3** provides that the bill takes effect on July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Office of the State Court Administrator, SPB 2506 has a total fiscal impact of \$353,811 in recurring general revenue. The fiscal impact for the Supreme Court travel is \$209,930. 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.

The fiscal impact for the DCA judges' travel is \$143,881, which includes \$21,440 in subsistence cost for four judges, \$78,268 in mileage costs for 14 judges, and \$44,173 in a contingency pool available for other DCA judges, as necessary. The subsistence costs include 40 overnight trips that two First DCA judges will make travelling from Jacksonville to Tallahassee and 36 trips that one Third DCA judge will make travelling from Key West to Miami. The mileage costs for the 11 judges in the Second, Fourth, and Fifth DCA reflect 94 trips each between their counties of residence and the DCA headquarters.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends section 35.05 of the Florida Statutes.

This bill creates section 25.025 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.)

None.

**B. Amendments:**

None.