

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: SB 878

INTRODUCER: Senator Lee

SUBJECT: Supreme Court Reporting Requirements

DATE: March 22, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Pre-meeting
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 878 requires the Supreme Court to prepare an annual status report on cases that have been on the court's docket for more than 180 days without resolution.

For cases that remain unresolved 180 days after oral argument or the date of submission to the panel without oral argument, the report must, among other things:

- Identify the case type.
- Specify the number of days that have elapsed since the oral argument or the date the case was submitted to the panel for a decision.
- Explain why the Court failed to render a decision within the 180-day time period.
- State when the Court expects to render a decision or dispose of the case.

The report must also include data on cases resolved during the year preceding the date of the report that took longer than 180 days to resolve. This data, among other things, must identify the case type of each case and the number of days that elapsed between the oral argument or date the case was submitted to the panel and the date of the decision or disposition.

The report must be prepared in an electronic spreadsheet format that can be sorted and filtered based on the required elements of the report. The Court must submit the report between October 1 and October 15 of each year to the Governor, Attorney General, President of the Senate, and the Speaker of the House of Representatives.

Implementation of this bill will increase workload for court staff, but such increase can be absorbed within current resources.

The bill takes effect July 1, 2017 and is repealed July 1, 2022, unless reviewed and reenacted before that date.

II. Present Situation:

Statutory Reporting Requirements

Pursuant to section 25.075, F.S., the Supreme Court must develop a uniform case reporting system. The system includes a uniform means of reporting categories of cases, the time taken to dispose of the cases, and the outcome of the cases.¹

Specific to negligence cases, the clerk of court must report to the Office of the State Courts Administrator information on cases resolved by settlement, jury verdict and final judgment upon request of the President of the Senate and the Speaker of the House of Representatives.² Information required includes the name of each plaintiff and defendant, the verdict, the percentage of fault of each, information on economic and noneconomic damages awarded to each plaintiff, and the amount of punitive damages awarded.³

Reporting Requirements under Court Rules

The Florida Rules of Judicial Administration provide time standards for the resolution of trial and appellate cases based on what the Court considers a presumptively reasonable time period. Accordingly, the court rules contemplate that most cases should be completed within the specified time periods.

In trial courts, cases generally should be resolved within these time periods:

- Criminal (arrest to final disposition): Felony (180 days); Misdemeanor (90 days);
- Civil (filing to final disposition): Jury cases (18 months); Non-jury cases (12 months); Small claims (95 days);
- Domestic Relations (filing to final disposition): Uncontested (90 days); Contested (180 days);
- Probate: Uncontested, no federal estate tax return (12 months from issuance of letters of administration to final discharge); Uncontested, with federal estate tax return (12 months from the return's due date to final discharge); Contested (24 months from filing to final discharge);
- Juvenile Delinquency: Disposition hearing for a child not detained (120 days from filing of petition or from a child being taken into custody to hearing); for a child detained (36 days from date of detention to hearing);
- Juvenile Dependency: Disposition hearing for a child not sheltered (120 days from filing of petition for dependency to hearing); for a child sheltered (88 days from shelter hearing to disposition);
- Permanency Proceedings: Permanency hearing within 12 months of the date the child is sheltered to the date of the hearing.⁴

In addition to time standards applicable to trial courts, the court rules specify standards for:

¹ Section 25.075(1), F.S.

² Section 25.077, F.S.

³ *Id.*

⁴ Fla. R. Jud. Admin. 2.250(a)(I).

- Supreme Court and District Courts of Appeal: Rendering a decision within 180 days after oral argument or the submission of the case to the court panel for a decision without oral argument; for juvenile dependency or termination of parental rights cases, and within 60 days after either oral argument or the submission of the case to the court panel for a decision without oral argument.
- Florida Bar Referee:⁵ Report of referee within 180 days after being assigned to hear the case;
- Circuit Court acting as Appellate Court: 90 days after submission of the case to the judge for review.⁶

Any pending case exceeding the time standards must be detailed separately and listed in a report, submitted quarterly to the Chief Justice of the Supreme Court. The report must include for each case:

- The case number;
- The type of case;
- The case status;
- The date of arrest in criminal cases; and
- The original filing date in civil cases.

The court rules require the Office of the State Courts Administrator to provide the forms for submission of this information.⁷

III. Effect of Proposed Changes:

This bill requires the Supreme Court to prepare an annual status report on cases that are unresolved for more than 180 days after the oral argument or the date that the case is submitted to the panel for a decision or disposition. The report must also provide data on resolved cases in the year preceding the report which took longer than 180 days to resolve. The Court must submit the report to the Governor, Attorney General, President of the Senate, and the Speaker of the House of Representatives between October 1 and October 15 of each year.

Part I of the report must include the following information on each case:

- The case name and number;
- The case type, which must include civil, criminal not seeking the death penalty, criminal seeking the death penalty, court rules, bar discipline, and judicial discipline;
- A brief description of the case;
- The date the case was added to the docket;
- The date of oral argument or the date the case was submitted to the court panel for a decision without oral argument;

⁵ Art. V., Sec. 15 of the Fla. Const. gives the Supreme Court exclusive jurisdiction to regulate the admission to practice and discipline of attorneys. The Court's regulation of the Bar is provided through the Rules Regulating The Florida Bar, which establish The Florida Bar as an official arm of the Court. The referee, or judge who hears a grievance case against a member of the Bar, is a county or circuit judge, appointed by the circuit court's chief judge. The Florida Bar, *The Florida Bar: Referee Manual* (July 2015), http://www.floridasupremecourt.org/clerk/Referee_Manual_2015.pdf.

⁶ Fla. R. Jud. Admin. 2.250(a)(II).

⁷ Fla. R. Jud. Admin. 2.250(b).

- The number of days that have elapsed since the date of oral argument was heard or the date the case was submitted to the court panel for a decision without oral argument;
- A detailed explanation of why the court failed to render a decision or disposition within 180 days after the court heard oral argument or after the date the case was submitted to the court panel for a decision without oral argument; and
- The date or time period within which the court expects to render a decision or disposition.

Information in Part I is required for those cases remaining on the court's docket as of September 30 of the current year after 180 days have passed from the date of oral argument, or absent oral argument, from the date the case is submitted to a court panel for a decision.

Part II of the report must include:

- The case name and number;
- The case type;
- A brief description of the case;
- The date the case was added to the docket;
- The date of oral argument or the date the case was submitted to the court panel for a decision without oral argument;
- The date that a decision or disposition was issued; and
- The number of days that elapsed between the date oral argument was heard or the date the case was submitted to the court panel for a decision without oral argument and the date on which a decision or disposition was issued.

Information in Part II is required for each case that has been decided or disposed of between October 1 of the prior year and September 30 of the current year, for which the decision or disposition was not rendered within 180 days after oral argument or submission to the court panel in the absence of oral argument.

The bill requires the court to electronically submit the report in a spreadsheet format. The report must be created so that it can be sorted and filtered by case number, case type, date on which the case was added to the docket; the date of oral argument or the date the case was submitted to the court panel for decision without oral argument; the number of days since the date oral argument was heard or submitted to the court panel for a decision without oral argument, and the date of the decision or disposition.

The bill takes effect July 1, 2017 and is repealed July 1, 2022, unless it is reviewed and reenacted before that date.

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:

The Office of the State Courts Administrator (OSCA) expects an indeterminate impact from the bill. The bill may increase the OSCA workload of the Court as it collects and reports the required data.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 25.052, 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.

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

⁸ Office of the State Courts Administrator, *2017 Judicial Impact Statement* (Mar. 7, 2017).