

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: CS/CS/SB 1392

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

SUBJECT: Courts

DATE: March 4, 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>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

Official Headquarters of Judicial Officers

CS/CS/SB 1392 provides that a District Court of Appeal (DCA) 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 sections of the bill related to judicial headquarters take effect July 1, 2020.

Jurisdiction of Courts

The bill changes court jurisdiction limits by:

- Broadly eliminating the authority of the circuit courts to hear appeals from county courts in civil and criminal cases. Circuit courts, however, retain jurisdiction to hear appeals from final administrative orders of local code enforcement boards and to hear appeals and review other matters as expressly provided by law. By operation of Article V, s. 4(b)(1) of the State Constitution, the district courts of appeal will have jurisdiction on appeals from final orders of county courts in civil and criminal cases by default;
- Allowing a county court to certify important questions to a district court of appeal only in a final judgment that is appealable to a circuit court;
- Allowing a district court of appeal to review any order or judgment of a county court which is certified by the county court to be of great public importance; and
- Repealing a statute that gives jurisdiction to circuit courts to hear appeals of judgments in misdemeanor cases.

The sections of the bill related to jurisdiction of courts take effect January 1, 2021.

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

¹ Section 35.05(1), F.S.

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 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

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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

² Emphasis added.

³ Section 112.061(4)(a)-(c), F.S.

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 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.

Jurisdiction of Courts

The State Constitution establishes a four-level court system consisting of a Supreme Court, five district courts of appeal, 20 circuit courts, and 67 county courts. The circuit courts and county courts primarily serve as trial courts, but the circuit courts also hear appeals from county courts involving many different types of cases and appeals from administrative bodies.

The Constitution also permits the Legislature to substantially define the jurisdictions of the circuit courts and county courts by statute.⁴ As defined by statute, the circuit courts have exclusive jurisdiction over several case types, including felony cases and probate matters, but the primary distinction between the jurisdictions of the courts is a monetary threshold.⁵

Recent Legislative Changes to Trial Court Jurisdiction

During the 2019 Legislative Session, the Legislature increased the monetary threshold in a way that expands the jurisdiction of the county courts. Since 1995, this threshold had been set at \$15,000.⁶ Claims exceeding \$15,000 were to be filed in the circuit court, and county courts had jurisdiction to hear claims valued up to that amount. With the 2019 legislation, effective January

⁴ Article V, s. 6(b) states that “[t]he county courts shall exercise the jurisdiction prescribed by general law.” Under Article V, s. 5(b), the jurisdiction the circuit courts includes “original jurisdiction not vested in the county courts, and jurisdiction of appeals when provided by general law.” Circuit courts also “shall have the power of direct review of administrative action prescribed by general law.” *Id.*

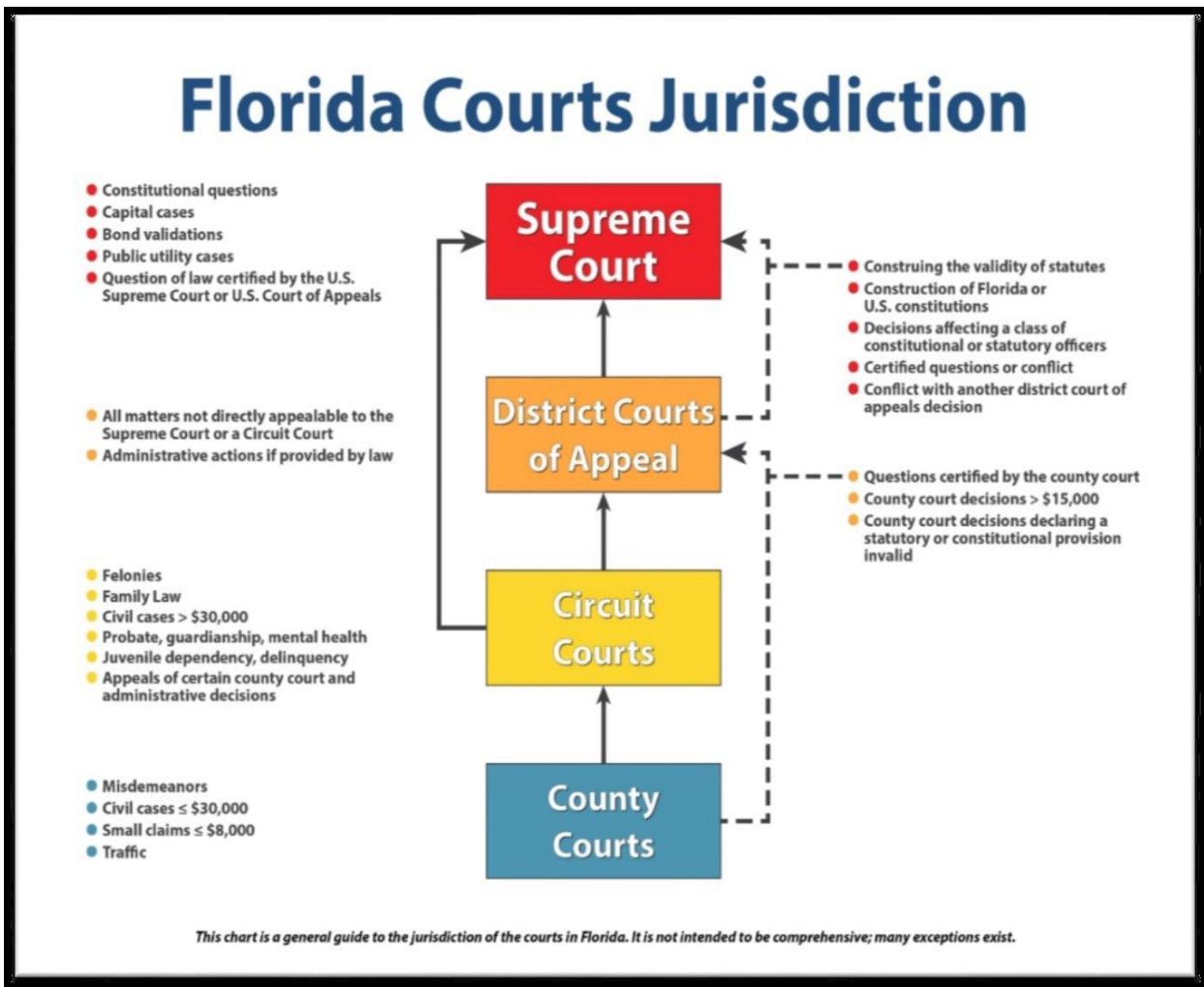
⁵ Section 26.012, F.S. (defining the jurisdiction of the circuit courts) and s. 34.01, F.S. (defining the jurisdiction of the county courts).

⁶ Chapter 2019-58, ss. 1 and 9, Laws of Fla.

1, 2020, the threshold became \$30,000. The threshold increases again, effective January 1, 2023, to \$50,000.

Although the 2019 legislation increased the value of claims that could be litigated in a county court, the legislation did not similarly or contemporaneously increase the jurisdiction of circuit courts to hear appeals from county courts. “Appeals of county court orders or judgments where the amount in controversy is greater than \$15,000,” according to the 2019 legislation, will continue to be heard by a district court of appeal until January 1, 2023.⁷ Appeals of county court orders or judgments involving amounts of \$15,000 or less will continue to be heard by a circuit court.

The Florida Supreme Court has described the jurisdictions of Florida’s courts as shown.⁸



⁷ Chapter 2019-58, s. 1, Laws of Fla., amending s. 26.012(1), F.S., provides that limitation on the appellate jurisdiction of circuit courts to matters where the amount in controversy is \$15,000 or less is repealed on January 1, 2023.

⁸ The chart is a duplicate of Diagram of the State Courts System effective 1/1/2020 by the Supreme Court of Florida. The diagram is available on the Supreme Court’s website at <https://www.floridasupremecourt.org/content/download/543675/6126128/Florida-Courts-Jurisdiction-Chart-2020.pdf>.

Recommended Changes to Appellate Court Jurisdiction

About the same time the 2019 legislation was filed increasing the monetary jurisdictional threshold, the Chief Justice of the Florida Supreme Court issued an administrative order directing the Workgroup on Appellate Review of County Court Decisions to:

1. Study whether the circuit courts should be uniformly required to hear appeals in panels and propose appropriate amendments to the Rules of Judicial Administration or the Rules of Appellate Procedure if the Workgroup determines that such amendments are necessary.
2. Review the following recommendation made by the Judicial Management Council's Work Group on County Court Jurisdiction, and propose appropriate amendments to law or rule if the Workgroup determines that such amendments are necessary:
 - 2.3 The Work Group recommends that any modification to the [county court] jurisdictional amount include a provision allowing intra- and intercircuit conflicts in circuit court appellate decisions within the same district to be certified to the district court of appeal for that district.
3. Consider whether other changes to the process for appellate review of county court decisions would improve the administration of justice. If so, the Workgroup may propose any revisions in the law and rules necessary to implement such recommended changes.⁹

In October 2019, the Workgroup issued a report containing its recommendations. The Workgroup's primary recommendation was that the Supreme Court:

Approve the proposal of statutory amendments to transfer the circuit courts' appellate and related extraordinary writ authority to the DCAs in county civil cases, including non-criminal violations, county, criminal cases, and administrative cases. If the new law is adopted during the 2021 Regular Legislative Session, an effective date of January 1, 2022, is recommended to allow time to make operational changes for the court system and to adopt conforming amendments to the Florida Rules of Court.¹⁰

The Supreme Court agreed with the recommendation, but supported more expeditious changes:

The Supreme Court supports the Legislature's consideration of proposed legislation during the 2020 Regular Session to transfer the referenced circuit court appellate and related extraordinary writ authority to the DCAs. Further, the Supreme Court supports an effective date for the

⁹ Supreme Court of Florida, In Re: Workgroup on Appellate Review of County Court Decisions, Administrative Order No. AOSC19-3, (Jan. 4, 2019), <https://www.floridasupremecourt.org/content/download/425765/4589231/AOSC19-3.pdf%20>.

¹⁰ Supreme Court of Florida, Judicial Management Council, Workgroup on Appellate Review of County Court Decisions: Final Report, Oct. 10, 2019.

legislation that is no earlier than January 1, 2021, to allow adequate time for implementation.¹¹

Authority to Define Appellate Court Jurisdiction

Although the Legislature has broad authority to define the jurisdiction of the circuit and county courts, its authority to define the jurisdiction of the district courts of appeal is more limited.

Under Article V, s. (4)(b)(1) and (2) of the State Constitution:

(1) District courts of appeal shall have jurisdiction to hear appeals that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the Supreme Court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the Supreme Court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

These provisions mean that a litigant has a right to only one appeal. As such, a litigant may appeal a final order of a county court or an administrative entity to a circuit court, but the litigant has no right to further appeal to a district court of appeal.¹² The order may be reviewed by a district court only by a writ of certiorari, which means that the district court has the discretion to hear the case.¹³ Moreover, a review by certiorari is much more limited in scope than a review by appeal.¹⁴

The certiorari jurisdiction of the district courts is defined, not by statute, but by the Florida Rules of Appellate Procedure.¹⁵ Similarly, the authority for a district court to hear the appeal of an interlocutory order, which is a non-final order from a lower tribunal, is defined by court rules and not by statutes.

Because the Constitution divides the authority to define the appellate jurisdiction of the courts between the Supreme Court and the Legislature, expanding the appellate jurisdiction of the district courts of appeal while reducing the appellate jurisdiction of the circuit courts requires cooperation between the judiciary and the Legislature. The Legislature must make some statutory changes, and the Supreme Court must make changes to the Florida Rules of Appellate Procedure.

For example, the Legislature, in many cases, can provide for the appeal of a final order of a county court to a district court of appeal by eliminating the statutory authority for the appeal to be heard by a circuit court. By default, the appeal would have to be heard by a district court of

¹¹ *Id.*

¹² *City of Deerfield Beach v. Valliant*, 419 So. 2d 624, 625 (Fla. 1982).

¹³ *Id.*

¹⁴ When a matter is appealed “all errors below may be corrected: jurisdictional, procedural, and substantive.” *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, n.3. (Fla. 1995). In contrast, “[c]ertiorari review is ‘intended to fill the interstices between direct appeal and the other prerogative writs’ and allow a court to reach down and halt a miscarriage of justice where no other remedy exists; it ‘was never intended to redress mere legal error.’” *Broward County v. G.B.V. Int’l, Ltd.*, 787 So. 2d 838, 842 (Fla. 2001).

¹⁵ Fla. R. Civ. P. 9.030(b)(2).

appeal. However, without changes to the court rules, interlocutory appeals from a county court case would continue to be heard by a circuit court that would not have jurisdiction to hear the appeal of a final order from the case.¹⁶ This result would seem to be inefficient.

Problem of Conflicting Circuit Court Appellate Decisions

Decisions of circuit courts in their appellate capacity are binding on all county courts within their circuit.¹⁷ However, circuit courts are not bound by decisions of other courts within their circuits. As a result, conflicting appellate decisions within a circuit court create instability in the law. County court judges and non-parties to the prior litigation do not know how or which appellate decisions to follow.¹⁸

When conflicting decisions are rendered by different panels of judges within the same district court of appeal, the Florida Rules of Appellate Procedure permit the court to conduct an en banc proceeding.¹⁹ These proceedings allow the full court to reconcile its potentially conflicting decisions.²⁰ In contrast, judicial circuits have no similar mechanism that enables them to reconcile their intra-circuit conflicting opinions. Moreover, a circuit court is not authorized to certify intra-circuit court conflicting opinions to a district court of appeal for review.²¹

Appellate Filing Fees

For appeals from the county to the circuit court, the clerk of the circuit court may collect up to \$280 of which, \$260 is retained by the clerk of the court and \$20 is remitted to the Department of Revenue for deposit into the General Revenue Fund.²²

For appeals to the district court of appeal, the circuit court charges a \$100 fee for filing a notice of appeal,²³ and the clerk of the district court of appeal collects a filing fee of \$300 for each case docketed.²⁴ Of the \$100 circuit court fee, \$80 is retained by the clerk and \$20 is deposited into the General Revenue Fund.²⁵ Of the district court filing fee, \$50 is deposited into the State

¹⁶ Similarly, the State Constitution does not allow the Legislature to authorize a party to take an interlocutory appeal of an order of a circuit court to a district court of appeal. Any statute purporting to grant the right to take an interlocutory appeal is merely a declaration of legislative policy and is ineffective to accomplish its purpose; only if the Florida Supreme Court incorporates the statutory language into the appellate rules can appellate jurisdiction be broadened.

Osceola County v. Best Diversified, Inc., 830 So. 2d 139, 140-41 (Fla. 3d DCA 2002) (citing *State v. Gaines*, 770 So. 2d 1221 (Fla. 2000); *State v. Smith*, 260 So. 2d 489 (Fla. 1972)).

¹⁷ See *Fieselman v. State*, 566 So. 2d 768, 770 (Fla. 1990).

¹⁸ See Sebastien Rogers, *The Chasm in Florida Appellate Law: Intra-Circuit Conflicting Appellate Decisions*, Vol. 92, No. 4 FLA. BAR J. 52 (Apr. 2008).

¹⁹ Fla. R. Civ. P. 9.331.

²⁰ *Id.*

²¹ Rogers, *supra* n. 15.

²² Section 28.241(2), F.S.

²³ *Id.*

²⁴ Section 35.22(2)(a), F.S.

²⁵ Page 11 Lines 124-126 Court Clerks and Comptrollers 2019 Distribution Schedule

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2019/19bull113_Attach_2_2019_Dist.pdf (last visited March 2, 2020).

Courts Revenue Trust Fund and the remaining \$250 is deposited into the State Treasury to be credited to the General Revenue Fund.²⁶

III. Effect of Proposed Changes:

Official Headquarters of Judicial Officers

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 sections of the bill related to judicial headquarters take effect July 1, 2020.

Jurisdiction of Courts

This bill transfers to the district courts of appeal the jurisdiction to hear appeals of decisions of county courts in civil and criminal cases. Under current law, these appeals are heard by circuit courts. The bill is based on the recommendations of a recent report by the Judicial Management Council's Workgroup on Appellate Review of County Court Decisions. The specific changes made by each section of the bill are described below.

Jurisdiction of the circuit court (s. 26.012, F.S.)

The changes made by section 1 broadly eliminate the authority of the circuit courts to hear appeals from county courts in civil and criminal cases. Circuit courts, however, retain jurisdiction to hear appeals from final administrative orders of local code enforcement boards and to hear appeals and review other matters as expressly provided by law. By operation of

²⁶ Section 35.22(5), F.S. The clerk of the district court of appeal also collects \$295 for cross-appeals or additional parties, and this fee is remitted entirely to the DOR for deposit into the General Revenue fund. Section 35.255(2)(b), F.S.

Article V, s. 4(b)(1) of the State Constitution, the district courts of appeal will have jurisdiction on appeals from final orders of county courts in civil and criminal cases by default.

Certification of questions to district court of appeal (s. 34.017, F.S.)

Currently s. 34.017, F.S., authorizes a county court to certify important questions to a district court of appeal in a final judgment. The district court has absolute discretion to answer the certified question or transfer the case back to the circuit court having appellate jurisdiction.

As amended by the bill, s. 34.017, F.S., a county court may certify important questions to a district court of appeal only in a final judgment that is appealable to a circuit court. This conforming change recognizes that there is no need for a county court to certify questions relating to matters that a litigant may appeal to a district court as a matter of right.

Review of judgment or order certified by county court to be of great public importance (s. 35.065, F.S.)

Currently s. 35.065, F.S., allows a district court of appeal to review any order or judgment of a county court which is certified by the county court to be of great public importance.

As amended by the bill, s. 35.065, F.S., a district court of appeal may review an order or judgment of a county court that is certified to be of great public importance only in an order or judgment that is appealable to a circuit court. This conforming change recognizes that there is no need for a county court to certify questions relating to matters that a litigant may appeal to a district court as a matter of right.

Courts of appeal (s. 924.08, F.S.)

This section repeals a statute that gives jurisdiction to circuit courts to hear appeals of judgments in misdemeanor cases.

The sections of the bill related to jurisdiction of courts take effect January 1, 2021.

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:

Official Headquarters of Judicial Officers

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.

Jurisdiction of Courts

The revenue impact to various funds based on the differences in the appellate filing fees described in the "Present Situation" are expected to result in a negative revenue impact to the Clerks of Court Trust Fund and a positive impact to the State Courts Revenue Trust Fund and the General Revenue Fund.²⁷

²⁷ Office of State Courts Administrator, *2020 Judicial Impact Statement for CS/SB 1510* (Feb. 6, 2020) (on file with the Senate Appropriations Subcommittee on Criminal and Civil Justice).

Estimated Impact in Filing Fee Revenue Generated by Changing the County Court Appellate Process

	Fee Distribution	Revenue Impact Based on 1,836 Appellate Cases
Revenue Generating Appellate Cases Filed in District Court of Appeal		
Clerks of Court	\$80.00	\$146,896
State Courts Revenue Trust Fund	\$50.00	\$91,810
General Revenue	\$270.00	\$495,775
Total	\$400.00	\$734,482
Revenue Generating Appellate Cases Filed in Circuit Court		
Clerks of Court	\$260.00	\$477,413
State Courts Revenue Trust Fund	\$1.00	\$1,836
General Revenue	\$20.00	\$36,724
Total	\$281.00	\$515,973
Difference		
Clerks of Court		-\$330,517
State Courts Revenue Trust Fund		\$89,974
General Revenue		\$459,051
Total		\$218,508

These estimates were derived based on the following Fiscal Year 2018-2019 eligible filings currently appealed to a circuit court. This is likely a worse-case estimate. Also, as more issues become settled in the district courts, the number of appeals are expected to trend downward.

FY 2018-2019 Eligible Filings Appealed to a Circuit Court			
Threshold	Criminal (501 cases less 27.48% of cases filed by an indigent person)	Civil (1,609 cases less 8.46% of cases filed by an indigent person)	Criminal and Civil Appeals FY 2019-19
County Civil and Criminal Cases Up to \$15,000 (current law in FY 2018-19)	363	1,473	1,836

Jurisdiction Workload Impact

Courts

The jurisdictional changes in the bill will result in some level of increased workload for the DCAs. Assuming the number of appeals remains the same, at least in the beginning of

the jurisdictional change, the courts indicated a need for Other Personal Services (OPS) staff as follows:

12-Month Funding Need

Six OPS Positions (five appellate staff attorneys and one deputy clerk III)

Salaries & Benefits: \$417,421

HR Services: \$1,218

Total: \$418,639 (recurring)

However, the bill will also lead to a decrease in the workloads of the circuit courts. Additionally, conforming amendments to the Florida Rules of Civil Procedure, Appellate Procedure, Judicial Administration, and other rules of court would be required upon passage.

Public Defenders

The public defenders do not anticipate the need for additional resources at this time. A realignment of resources may be required at a later date between the trial and appellate entities.

State Attorneys and the Department of Legal Affairs

The state attorneys are responsible for handling appeals of county court decisions in criminal cases to circuit courts. Pursuant to Section 16.01(4), Fla. Stat. the Criminal Appeals Division of the Office of the Attorney General is the sole government entity that handles all criminal appeals arising from judgments and sentences entered by the state trial courts. Because the bill provides for the appeals from county courts to bypass circuit courts, the bill will increase the appellate workload of the Department of Legal Affairs (DLA). The DLA believes that their Criminal Appeals Division could initially absorb a yearly increase of 500 cases generated from the changes to the appellate court jurisdictions. However, if the numbers of appeals increase based on more recent data and additions to the types of cases or increases in certified cases to the district courts caseloads, reconsideration of personnel needs could be required. To minimize this workload shift, the Legislature may wish to consider whether state attorneys should remain responsible for some or all of the appeals originating from county courts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 25.025, 26.012, 27.51, 27.511, 34.017, and 35.065.

This bill creates section 35.051 of the Florida Statutes.

This bill repeals section 924.08 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on March 3, 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.

The committee substitute also incorporates the changes to court jurisdiction limits from PCS/CS SB 1510. These changes include:

- Broadly eliminating the authority of the circuit courts to hear appeals from county courts in civil and criminal cases. Circuit courts, however, retain jurisdiction to hear appeals from final administrative orders of local code enforcement boards and to hear appeals and review other matters as expressly provided by law. By operation of Article V, s. 4(b)(1) of the State Constitution, the district courts of appeal will have jurisdiction on appeals from final orders of county courts in civil and criminal cases by default;
- Allowing a county court to certify important questions to a district court of appeal only in a final judgment that is appealable to a circuit court;
- Allowing a district court of appeal to review any order or judgment of a county court which is certified by the county court to be of great public importance; and
- Repealing a statute that gives jurisdiction to circuit courts to hear appeals of judgments in misdemeanor cases.

Additionally, the title of the bill is amended to, “An act relating to courts.”

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.

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