

**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 Judiciary

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BILL: SB 1392

INTRODUCER: Senator Simmons

SUBJECT: Official Headquarters of Judicial Officers

DATE: January 17, 2020

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stallard	Cibula	JU	<b>Pre-meeting</b>
2.			ACJ	
3.			AP	

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**I. Summary:**

SB 1392 provides that a District Court of Appeal judge who lives more than 50 miles from his or her DCA courthouse is eligible to have an alternative official “headquarters” and to be reimbursed for trips between these locations. Additionally, the bill provides for reimbursement of more expenses incurred by Supreme Court justices on work-related trips.

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 Chief Justice 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, such as 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.

**II. Present Situation:**

**Overview**

A DCA judge is entitled to reimbursement for expenses incurred in work-related trips away from his or her “headquarters.” And a DCA may designate alternative official headquarters for its

judges. So, for example, a First DCA judge whose official headquarters is the Escambia County Courthouse is entitled to reimbursement for trips to the DCA courthouse in Tallahassee.

However, relative to the alternative headquarters option for Supreme Court Justices, the law provides little guidance for this option for DCA judges.

### **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.
- 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.

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 the business of the court and *as the official headquarters of its officers or employees* pursuant to s. 112.061.”<sup>1</sup>

### **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 the several factors, including the duration and distance of a trip.

Additionally, s. 112.061(1)(b)1., F.S., provides that:

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 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.

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<sup>1</sup> Emphasis added.

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.

### **III. Effect of Proposed Changes:**

The bill provides that a District Court of Appeal judge who lives more than 50 miles from his or her DCA courthouse is eligible to have an alternative official “headquarters” and to be reimbursed for trips between these locations. Additionally, the bill provides for reimbursement of more expenses incurred by Supreme Court justices on work-related trips.

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 Chief Justice 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, such as 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 bill takes effect July 1, 2020.

### **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:**

The bill provides that a DCA judge who lives more than 50 miles from his or her DCA courthouse is eligible for an alternative, personal headquarters and for reimbursement for trips between his or her personal headquarters and the courthouse. Depending on how many judges are eligible, interested, and approved for this opportunity, the bill could result in a significant expenditure of state funds. Additional funding will also be required for Supreme Court justices.

**VI. Technical Deficiencies:**

The bill might conflict with s. 112.061, F.S., with respect to authorized reimbursement amounts. Section 112.061, F.S., provides that it prevails over any conflicting statute unless the conflicting statute expressly states that its provisions are exemptions from s. 112.061, F.S. Accordingly, the Legislature might wish to amend the bill to provide that any of its terms that conflict with s. 112.061, F.S., are exemptions from that statute.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 25.025 and 35.05. This bill creates section 35.051 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.

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

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