

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7057 PCB JDC 20-04 Appellate Courts Headquarters and Travel

SPONSOR(S): Appropriations Committee, Judiciary Committee, Fernandez-Barquin

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1392

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Judiciary Committee	16 Y, 0 N	Jones	Luczynski
1) Appropriations Committee	28 Y, 0 N, As CS	Smith	Pridgeon

SUMMARY ANALYSIS

The State Constitution establishes a four-level court system consisting of a supreme court, five district courts of appeal (DCAs), 20 circuit courts, and 67 county courts. After a case is decided by a circuit court, the losing party generally has the right to appeal to the appropriate DCA.

Each DCA has its own official headquarters as provided by general law. In addition, a DCA may designate other locations within its district as branch headquarters for the conduct of the business of the court.

While current law provides an option for Supreme Court justices who live outside Leon County to have an alternate headquarters, DCA judges do not have a similar option if they wish to maintain their residence at a location inconvenient for a daily commute to the DCA or a branch headquarters.

CS/HB 7057 provides that a DCA judge who lives more than 50 miles from his or her DCA courthouse or designated branch location is eligible to have an alternate official headquarters designated within his or her county of residence. The alternate headquarters may be located in any appropriate facility, including a county courthouse, but a county is not required to provide space to a DCA judge for his or her headquarters. The bill prohibits state funds being used for leasing the headquarters space.

The bill also provides for reimbursement of travel-related expenses, including incidental travel expenses, and subsistence incurred on work trips for DCA judges; and it adds reimbursement for incidental travel expenses for Supreme Court justices. Also, with the approval of the Chief Justice, a Supreme Court justice or DCA judge 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 would have a recurring impact of \$125,000 on the State Courts System. Funding for the bill is included in HB 5001, the proposed General Appropriations Act for Fiscal Year 2020-2021.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Court Jurisdiction

The State Constitution establishes a four-level court system consisting of a supreme court, five district courts of appeal (DCAs), 20 circuit courts, and 67 county courts.¹ After a case is decided by a circuit court, the losing party generally has the right to appeal to the appropriate DCA.²

DCA Headquarters

Each DCA judge must live within the territorial jurisdiction of his or her DCA.³ Each DCA has its own official headquarters as provided by general law, as follows:

- 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.⁴

In addition, a DCA may designate other locations within its district as a branch headquarters for the conduct of the business of the court and as the official headquarters of its officers or employees.⁵

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 and subsistence⁶ in differing amounts based on several factors, including the duration and distance of a trip.

A judge of a district court of appeal (DCA) is currently 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 or an alternate official headquarters designated pursuant to s. 35.05(2), F.S.⁷

Alternate Headquarters for Supreme Court Justices

In 2019, the Legislature enacted s. 25.025, F.S., authorizing alternate official headquarters for justices who reside outside Leon County. Under this statute, a justice residing outside Leon County may:

- Request that a DCA courthouse, a county courthouse, or another appropriate facility in the justice's district be designated as his or her official headquarters and serve as his or her private chambers; and
- Be reimbursed for certain transportation expenses, not including incidental travel expenses, and subsistence while in Tallahassee to the extent funding is available, as determined by the Chief Justice.⁸

Section 25.025, F.S., also provides that the Chief Justice must coordinate with the justice requesting a headquarters in his or her district and state and local officials, as necessary. The Supreme Court and a

¹ See art. V, ss. 1 – 6, Fla. Const.

² See art. V, s. 4(b)(1), Fla. Const.

³ Art. V, s. 8, Fla. Const.

⁴ Ss. 35.01 – 35.05, F.S.

⁵ S. 35.05(2), F.S.

⁶ "Subsistence," for purposes of the bill, refers to the costs of lodging and meals. See ss. 25.025 and 112.061(6)(b), F.S.

⁷ See s. 112.061(4), F.S.

⁸ S. 25.025, F.S.

county courthouse may agree to establish private chambers at the county courthouse for a justice, but the courthouse is not obligated to provide space for the justice. The Supreme Court may not use state funds to lease space in a county courthouse for use as a private chamber.

While current law provides an option for Supreme Court justices who live outside Leon County to have an alternate headquarters, DCA judges do not have a similar option if they want to live farther away from the main DCA building or a branch headquarters.

Effect of Proposed Changes

DCA Judges

CS/HB 7057 provides that a DCA judge who lives more than 50 miles from his or her DCA courthouse or designated branch DCA location is eligible to have an alternate official headquarters and to be reimbursed for trips between these locations in a manner similar to Supreme Court justices.

The alternate headquarters, which may serve only as judicial chambers and must be used for official judicial business, may be in any appropriate facility, including a county courthouse. However, no county is required to provide space to a DCA judge for his or her headquarters. The DCA may agree with a county regarding the use of courthouse space, but the bill prohibits state funds being used to lease the space.

A DCA judge who is approved for an alternate headquarters is eligible for reimbursement of travel expenses, including incidental travel expenses, and lodging and meals necessitated by his or her travel to the DCA courthouse. The DCA judge must obtain the approval of the chief judge of the DCA for the reimbursement of subsistence. With the authorization of the Chief Justice, a DCA judge 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.

Supreme Court Justices

The bill changes the language in s. 25.05, F.S., to clarify that a Supreme Court justice residing outside Leon County is eligible for the designation of a local headquarters, instead of stating that a justice "shall" have a headquarters designated if he or she so requests. The bill also provides for reimbursement of incidental travel expenses incurred on work-related trips for Supreme Court justices, including taxi fares, toll fees, and parking fees, which are not currently included as authorized travel reimbursements. This gives each Supreme Court justice the same benefit of reimbursements as the bill gives each DCA judge.

Also, with the authorization 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.

General Provisions

The bill states that the Chief Justice:

- Must coordinate with each affected DCA judge and other state and local officials, as necessary.
- May establish parameters governing the provisions of the bill as applied to DCA judges, including:
 - Specifying minimum operational requirements of a designated headquarters.
 - Limiting the number of days for which travel and subsistence reimbursements are permitted.
 - Prescribing activities qualifying as the conduct of court business.

CS/HB 7057 also provides that if any provision within the bill conflicts with the provisions of s. 112.061, F.S., the bill's provisions control to the extent of the conflict.

The bill provides an effective date of July 1, 2020.

B. SECTION DIRECTORY:

Section 1: Amends s. 25.025, F.S., relating to headquarters.

Section 2: Creates s. 35.051, F.S., relating to subsistence and travel reimbursement for judges with alternate headquarters.

Section 3: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides that a DCA judge who lives more than 50 miles from his or her DCA headquarters is eligible for an alternate, personal headquarters and for travel reimbursement for trips between his or her personal headquarters and the courthouse. HB 5001, the proposed General Appropriations Act for Fiscal Year 2020-2021, includes a recurring appropriation of \$125,000 of trust fund authority for appellate judicial travel. The bill also allows certain Supreme Court justices to be reimbursed for incidental travel expenses, which they currently do not receive. It is anticipated that these expenditures can be absorbed within the Supreme Court's existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 11, 2020, the Appropriations Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment clarified that a District Court of Appeals judge is eligible for payment of subsistence and reimbursement for travel expenses between the judge's official headquarters and the headquarters or branch headquarters of his or her appellate district.

This analysis is drafted to the committee substitute as passed by the Appropriations Committee.