

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5401 PCB JUA 24-01 Judges
SPONSOR(S): Justice Appropriations Subcommittee, Brannan
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee	14 Y, 0 N	Smith	Keith
1) Appropriations Committee	27 Y, 0 N	Smith	Pridgeon

SUMMARY ANALYSIS

The bill conforms current law to the proposed Fiscal Year 2024-2025 House of Representatives' General Appropriations Act, which includes \$2,574,402 in General Revenue funding, and authorizes fourteen full-time equivalent positions with associated salary rate of 1,527,297, for the newly established judgeships and associated judicial assistant staffing.

The Supreme Court of Florida issued Order No. SC2023-1586, dated November 30, 2023, certifying the need for one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

Article V, section 9 of the Florida Constitution states that the Legislature may reject the recommendations or implement the recommendations of the Supreme Court in whole or in part.

The bill amends ss. 26.031 and 34.022, F.S., to establish one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

The effective date of the bill is July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Article V, section 9 of the Florida Constitution states:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists.

To determine a need for trial court judgeships, the Office of State Courts Administrator (OSCA) relies on an analysis of weighted caseload filings per judge. In 1999, at the request of the Legislature, OSCA contracted with the National Center for State Courts (NCSC) to develop and validate a Delphi-based Weighted Caseload System.¹

The weighted caseload system assigns a time value to cases by their case type, based on the various kinds and complexity of the cases that are filed. The case type time value, or case weight, establishes an approximate workload value per case filing by case type, which is used to determine the number of judges required to handle these cases. The weighted caseload system is revised periodically to account for changes in procedure and case complexity. The system was updated by OSCA and NCSC in 2007, and most recently in 2016.

The Supreme Court issued Order No. SC2023-1586, dated November 30, 2023, in regard to the certification of need for additional judges. In the certification, the Court recommended one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

Article V, section 11 of the Florida Constitution requires the Governor to fill judicial office vacancies by appointment from a list of candidates nominated by a judicial nominating commission², for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment.

¹ National Center for State Courts, *Florida Judicial Workload Assessment Final Report*, Office of the State Courts Administrator (May 16, 2016), <http://www.flcourts.org/core/fileparse.php/558/urlt/Final-Florida-Judicial-Workload-Assessment-Final-report.pdf> (last visited Jan. 9, 2024.)

² Article V, section 20, subsection (5) of the Florida Constitution states that each judicial nomination commission shall be composed of nine members. Three members must be appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit. Three electors must reside in the territorial jurisdiction of the court or circuit appointed by the governor. And three of the electors must reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.

Effect of the Bill

The bill establishes one new circuit court judgeship in the Twentieth Judicial Circuit, two new county court judgeships in Hillsborough County, and three new county court judgeships in Orange County.

B. SECTION DIRECTORY:

Section 1. Amends s. 26.031, F.S., related to judicial circuits; number of judges.

Section 2. Amends s. 34.022, F.S., related to number of county court judges for each county.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill conforms current law to the proposed Fiscal Year 2024-2025 House of Representatives' General Appropriations Act, which includes \$2,574,402 in General Revenue funding, and authorizes fourteen full-time equivalent positions with associated salary rate of 1,527,297, for the newly established judgeships and associated judicial assistant staffing.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The cost of county judges and judicial assistants are paid for by the state. Under s. 29.008, F.S., counties are responsible for facilities, security, communications and information technology costs for county courts. The bill could result in additional costs in these areas, to the extent that county courts will be receiving additional judges and associated staff, however, any additional costs associated with the newly established positions can likely be absorbed within existing resources.

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. This 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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES