

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: SPB 2508

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Judicial Certification

DATE: April 1, 2025

REVISED: _____

ANALYST

Kolich

STAFF DIRECTOR

Sadberry

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 2508 amends s. 26.031, F.S., to establish ten new circuit court judgeships; s. 34.022, F.S., to establish seventeen new county court judgeships; and s. 35.06, F.S., to establish two new judgeships in the district court of appeal.

The Supreme Court issued Order No. SC2024-1721, dated December 12, 2024, certifying the need for twenty-three additional circuit court judges, twenty-five additional county court judges, and two additional appellate court judges.

The bill conforms to SPB 2500, the Senate's proposed Fiscal Year 2025-2026 General Appropriations Act, which includes \$13,289,949 in General Revenue funding, and authorizes sixty-seven full-time equivalent positions with associated salary rate of 7,828,265, for the newly established judgeships and associated judicial assistants and attorney staffing. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2025.

II. Present Situation:

Article V, s. 9 of the State 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, the Office of the State Courts Administrator (OSCA) collaborated with the National Center for State Courts (NCSC) to develop and validate a 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 system is periodically revised by NCSC and OSCA to account for changes in procedure and case complexity. It was most recently revised in June 2024.²

On December 12, 2024, the Supreme Court issued Order No. SC2024-1721, certifying the need for twenty-three additional circuit court judges, twenty-five additional county court judges, and two additional district court judgeships in the Sixth District Court of Appeal.³ Although there is not an increase in forecasted filings, the revised case weights resulting from the comprehensive trial court workload assessment demonstrated that many cases have become more complex and require additional judicial engagement and time to resolve. The Supreme Court did not certify the need for the full complement of judges indicated by the weighted caseload methodology and instead chose to adopt an incremental approach that allows for further assessment of future needs. Furthermore, the Supreme Court found that the workload for the Sixth District Court of Appeal and other secondary factors as persuasive.

Article V, s. 9 of the State Constitution requires that upon receipt of such certification, the Legislature, at the next regular session, shall consider the findings and recommendations and reject the recommendations or by law implement the recommendations in whole or in part. If the Legislature creates more judicial offices than are recommended by the Court or decreases the number of judicial offices by a greater number than recommended by the Court, then there needs to be a finding of two-thirds of the membership of both houses of the Legislature, that such a need exists.⁴

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>

² National Center for State Courts, *Florida Judicial Workload Assessment Final Report*, Office of the State Courts Administrator (June 2024), https://www.flcourts.gov/content/download/2438568/file/Judicial_Workload_Report_Final.pdf

³ *In Re: Certification of Need for Additional Judges*, SCS2024-1721 (Fla. SC 2024)

⁴ Article V, S. 9, Fla Const.

III. Effect of Proposed Changes:

The bill amends s. 26.031, F.S., to establish 10 additional circuit judgeships in the following circuits:

- • Fifth Judicial Circuit: 31 to 34.
- • Twentieth Judicial Circuit: 32 to 39.

The bill amends s. 34.022, F.S., to establish 17 additional county judgeships in the following counties:

- • Clay County: 2 to 3.
- • Duval County: 17 to 19.
- • Hernando County: 2 to 3.
- • Marion County: 4 to 5.
- • Miami-Dade County: 43 to 50.
- • Nassau County: 1 to 2.
- • Palm Beach County: 19 to 21.
- • Sumter County: 1 to 2.

The bill amends s. 35.06, F.S., to establish two additional judgeships in the Sixth District Court of Appeal.

The bill takes effect July 1, 2025.

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.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill conforms current law to the Senate's proposed Fiscal Year 2025-2026 General Appropriations Act, which includes \$13,289,949 in General Revenue funding, and authorizes sixty-seven full-time equivalent positions with associated salary rate of 7,828,265, for the newly established judgeships and associated judicial assistant and attorney staffing. Under s. 29.008, F.S., the state is responsible for the cost of county judges and judicial assistants.

Under s. 29.004, 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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 26.031, 34.022, and 35.06.

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.
