

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 5401](#) [PCB JUB 25-01](#)

TITLE: Judges

SPONSOR(S): Maney

COMPANION BILL: [SB 2508](#)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 105 Y's

0 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill establishes 22 new circuit court judgeships in specified circuits, 15 new county court judgeships in specified counties, and two new appellate court judgeships in the Sixth District Court of Appeal. The bill also provides for reduction by attrition of two appellate court judgeships from the Second District Court of Appeal.

Fiscal or Economic Impact:

The bill conforms current law to the Fiscal Year 2025-2026 General Appropriations Act, which authorizes 97 full-time equivalent positions and provides \$18,474,050 in recurring funds and \$348,854 in nonrecurring funds from the General Revenue Fund for the newly established judgeships and associated judicial staffing. The bill may have an indeterminate negative fiscal impact on local government expenditures by increasing court costs shared by counties.

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ANALYSIS

EFFECT OF THE BILL:

HB 5401 passed as [SB 2508](#).

The bill amends [s. 26.031, F.S.](#), to establish 22 new circuit court judgeships in the following judicial circuits: (Section 1)

- One judgeship in the Second Circuit.
- Two judgeships in the Fourth Circuit.
- Three judgeships in the Fifth Circuit.
- Two judgeships in the Seventh Circuit.
- One judgeship in the Eighth Circuit.
- Two judgeships in the Ninth Circuit.
- Two judgeships in the Tenth Circuit.
- Three judgeships in the Eleventh Circuit.
- Two judgeships in the Twelfth Circuit.
- One judgeship in the Fourteenth Circuit.
- Two judgeships in the Fifteenth Circuit.
- One judgeship in the Nineteenth Circuit.

The bill amends [s. 34.022, F.S.](#), to establish 15 new county court judgeships in the following counties: (Section 2)

- One judgeship in Bay County.
- One judgeship in Clay County.
- One judgeship in Hernando County.
- One judgeship in Lake County.
- One judgeship in Manatee County.
- One judgeship in Marion County.
- Four judgeships in Miami-Dade County.

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- One judgeship in Nassau County.
- One judgeship in Osceola County.
- One judgeship in Palm Beach County.
- One judgeship in Polk County.
- One judgeship in Sumter County.

The bill amends [s. 35.06, F.S.](#), to establish two additional appellate court judgeships in the Sixth District Court of Appeal. (Section 3)

The bill amends [s. 35.06, F.S.](#), to provide that upon each occurrence of a vacant judgeship in the Second District Court of Appeal, the total number of judgeships in that district will be reduced by one. The Florida Supreme Court (FSC) shall notify the Governor, President of the Senate, and Speaker of the House when such judgeships are reduced. After the total number of judgeships in the Second District is reduced from 15 to 13, judgeships will no longer be reduced when a vacancy occurs. (Section 3)

Subject to the Governor’s veto powers, the effective date of the bill is July 1, 2025.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill conforms current law to the Fiscal Year 2025-2026 General Appropriations Act, which authorizes 97 full-time equivalent positions, with associated salary rate of 11,127,222, and provides \$18,474,050 in recurring funds and \$348,854 in nonrecurring funds from the General Revenue Fund for the newly established judgeships and associated judicial staffing. The costs of judges, as well as associated support staffing and resources are required to be provided from state revenues.¹

LOCAL GOVERNMENT:

Counties are responsible for the cost of county court facilities, security, communications, and information technology.² To the extent those services will be necessary for additional judges and associated staff, county court costs may increase. Any such increases can likely be absorbed within existing resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The Florida Constitution establishes procedures to determine the number and jurisdiction of judgeships, appellate districts, and judicial circuits.³ If the Florida Supreme Court (FSC) finds a need for changes, it must certify its findings and recommendations to the Legislature. The Legislature must consider the FSC’s findings at the next regular session, and may wholly or partially reject or adopt its recommendations, or increase or decrease judgeships by more than the FSC’s findings upon a two-thirds vote of the membership of both chambers.⁴

The FSC must use uniform criteria to determine if changes are necessary.⁵ In 1999, the Office of the State Courts Administrator (OSCA) collaborated with the National Center for State Courts (NCSC) to develop a weighted caseload system. The system assigns a time value, or “case weight,” to cases based on type and complexity. The case weight is used to project an approximate workload value per case filing and type. Each court’s workload value is divided by working days to determine the necessary number of judges. The system is periodically revised by

¹ [S. 29.004, F.S.](#)

² [S. 29.008, F.S.](#)

³ [Art. V, s. 9, Fla. Const.](#)

⁴ *Id.*

⁵ *Id.*

NCSC and OSCA to account for changes in procedure and case complexity. It was most recently revised in June 2024.⁶

On December 12, 2024, the FSC issued Order No. SC2024-1721 certifying the need for 23 circuit judgeships, 25 county judgeships, and two appellate judgeships.⁷ The order specifies that the additional need is due to increasing case complexity, not an increase in the number of filed cases. To arrive at the certification, the FSC accounted for the relative needs of each circuit and county, but did not certify the need for the full complement of judges indicated by the weighted caseload methodology. Instead, the FSC chose to adopt an incremental approach that allows for further assessment of future needs.

The Governor is required to fill judicial office vacancies by appointment from a list of candidates nominated by a judicial nominating commission.⁸ The appointment term ends 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 appointment, after which judges are retained by election. Each judicial circuit and appellate district have a separate judicial nominating commission composed of nine members appointed by the Governor.⁹

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	HB 5401	Brannan		Became law on May 17, 2024 and went into effect on July 1, 2024.
2022	CS/HB 7027	Gregory		Became law on June 2, 2022 and went into effect on that date.
2021	HB 5301	Plakon		Became law on June 2, 2021 and went into effect on July 1, 2021.

OTHER RESOURCES:

[Florida Supreme Court Webpage – Certification of Need for New Judges](#)

⁶ National Center for State Courts, *Florida Judicial Workload Assessment Final Report June 2024*, Office of the State Courts Administrator, https://www.flcourts.gov/content/download/2438568/file/Judicial_Workload_Report_Final.pdf (last visited Mar. 18, 2025).

⁷ *In Re: Certif. of Need for Add'l Judges*, No. SC2024-1721 (Fla. 2024), https://supremecourt.flcourts.gov/content/download/2444685/opinion/Opinion_SC2024-1721.pdf (last visited Mar. 18, 2025).

⁸ [Art. V, s. 11, Fla. Const.](#)

⁹ [S. 43.291, F.S.](#)