

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [HB 813](#)

**TITLE:** Courts

**SPONSOR(S):** Tuck

**COMPANION BILL:** [SB 538](#) (Bradley)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Civil Justice & Claims](#)

16 Y, 0 N



[Justice Budget](#)

14 Y, 0 N



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

HB 813 makes several changes that impact court administration. The bill changes the requirements for duty judges, to mandate that at least one circuit judge in each judicial circuit be available at all times to hold and conduct hearings, but allows such hearings to be held and conducted in a location other than the judge's chambers.

Additionally, the bill removes the statutory cap on arbitrator compensation, providing broader discretion to the chief judge of each judicial circuit to set the fees for arbitrator services.

Lastly, the bill provides an alternative means for a judge to authenticate a certificate of proof or acknowledgment, by providing his or her signature and printing his or her name, title, and court.

### Fiscal or Economic Impact:

The bill may have an indeterminate fiscal impact on state government and an indeterminate positive impact on the private sector.

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## ANALYSIS

### **EFFECT OF THE BILL:**

HB 813 requires at least one circuit judge in each [judicial circuit](#), regardless of the number of judges in the circuit, to act as a [duty judge](#) and be available at all times to hold and conduct hearings with limited notice. Practically speaking, each judicial circuit is already required to meet this obligation as every judicial circuit currently has more than one circuit judge; however, the bill expands the availability of the duty judge by requiring such judge to be available at all times and not just available *as nearly as possible* at all times. The bill also removes the limitation requiring such an emergency hearing to be held in chambers, providing for greater flexibility in the hearing location or the ability to conduct [remote proceedings](#). (Section [1](#))

The bill also removes the [statutory cap](#) on [arbitrator compensation](#), which allows broader discretion of the chief judge of each judicial circuit to set the fees for arbitration services. (Section [2](#))

Additionally, the bill provides an alternative means for [judicial notarization](#) by allowing a judge to authenticate a certificate of proof or acknowledgment by providing his or her signature and printing his or her name, title, and court. This change allows a judge to authenticate such a certificate or acknowledgment without the use of his or her seal of office or seal of his or her court. (Section [3](#))

The bill provides an effective date of July 1, 2025. (Section [4](#))

**STORAGE NAME:** h0813c.JUB

**DATE:** 3/18/2025

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill may have an indeterminate negative fiscal impact on state government by removing the statutory cap on arbitrator compensation and allowing for increased arbitrator costs to be charged to the parties. This may require the state to cover all or a portion of such increased costs for an indigent party until such time as that party completes a payment plan to reimburse the state.

Additionally, the bill may also have an indeterminate positive fiscal impact on state government by allowing duty judges greater flexibility in hearing location and the ability to conduct remote proceedings. In turn, the expenditure of resources associated with staffing on-call law enforcement and an on-call clerk to physically attend such hearings after hours will be eliminated.

### PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact on persons who serve as arbitrators as removal of the statutory cap on arbitration fees may allow arbitrators to charge and collect higher fees for their services.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Judicial Circuits

The Florida Constitution requires that there be a circuit court serving each of Florida's twenty judicial circuits.<sup>1</sup> The number of judges required to serve in each circuit varies depending on the population and caseload of the area<sup>2</sup> and is codified in statute by the Legislature based on recommendations from the Florida Supreme Court (FSC) as to current need.<sup>3, 4</sup> Section [26.031, F.S.](#), currently provides that the number of judges in each judicial circuit shall be as follows:

- First Judicial Circuit – 26
- Second Judicial Circuit – 16
- Third Judicial Circuit – 7
- Fourth Judicial Circuit – 35
- Fifth Judicial Circuit – 31
- Sixth Judicial Circuit – 45
- Seventh Judicial Circuit – 27
- Eighth Judicial Circuit – 13
- Ninth Judicial Circuit – 46
- Tenth Judicial Circuit – 28
- Eleventh Judicial Circuit – 80
- Twelfth Judicial Circuit – 22
- Thirteenth Judicial Circuit – 45
- Fourteenth Judicial Circuit – 13
- Fifteenth Judicial Circuit – 35
- Sixteenth Judicial Circuit – 4
- Seventeenth Judicial Circuit – 58
- Eighteenth Judicial Circuit – 26
- Nineteenth Judicial Circuit – 19

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<sup>1</sup> [Art. V, s. 5\(a\), Fla. Const.](#); s. [26.021, F.S.](#)

<sup>2</sup> Office of the State Courts Administrator (OSCA), *Trial Courts – Circuit*, <https://www.flcourts.gov/Florida-Courts/Trial-Courts-Circuit> (last visited Mar. 14, 2025).

<sup>3</sup> [Art. V, s. 9, Fla. Const.](#)

<sup>4</sup> The Legislature may reject the FSC's recommendations or implement them in whole or in part; however, the Legislature may only increase or decrease the number of judicial offices beyond the recommendations of the FSC upon a finding by two-thirds membership of both houses of the Legislature that such a need exists. *Id.*

- Twentieth Judicial Circuit – 32<sup>5</sup>

### Duty Judges

Section [26.20, F.S.](#), requires each judicial circuit that has more than one circuit judge to make at least one judge available as nearly as possible at all times to hold and conduct hearings in his or her chambers.<sup>6</sup> Practically speaking, each judicial circuit is already required to meet this obligation as every judicial circuit currently has more than one circuit judge. Additionally, in each circuit there must be at least one judge available on Saturdays, Sundays, holidays, and after hours on weekdays to hear motions for temporary ex parte domestic violence injunctions.

### Remote Court Proceedings

In 2022, the FSC amended Florida Rule of General Practice and Judicial Administration 2.530, to expressly provide general authorization for the conduct of court proceedings through communication technology unless the proceedings are governed by a contrary general law.<sup>7</sup>

### Arbitrator Compensation

A court, pursuant to rules adopted by the FSC, may refer any contested civil action filed in a circuit or county court to nonbinding arbitration.<sup>8</sup> Arbitration is a method of dispute resolution that aims to resolve a case without the need for a trial by utilizing a neutral third-party, an arbitrator, to assist in resolving a dispute between parties. Arbitrators are selected and compensated in accordance with rules adopted by the FSC.<sup>9</sup> Arbitrator compensation is paid by the parties, or if the court finds that a party is indigent<sup>10</sup> and unable to pay, an arbitrator may be partially or fully compensated from state funds according to the party's present ability to pay.<sup>11</sup>

### Arbitrator Compensation Cap

The chief judge of each judicial circuit is authorized to establish the fee for arbitration services subject to the statutory cap of \$1,500 per day, unless the parties agree to waive this cap.<sup>12</sup> This statutory cap was last adjusted in 2005.<sup>13</sup> The FSC Committee on Alternative Dispute Resolution Rules and Policy reports that the current statutory cap is lower than the reasonable market rate for arbitration services in several circuits and counties.<sup>14</sup>

### Judicial Notarization

Section [92.50, F.S.](#), allows for oaths, affidavits, and acknowledgments to be taken or administered by or before any judge, clerk, or deputy clerk of any court of record within this state, including federal courts, or by or before any United States commissioner or any notary public in this state. The certificate of proof or acknowledgment, otherwise known as a jurat, must be authenticated by the signature and official seal of any officer or person taking or administering the oath, affidavit, or acknowledgment; however, if such is taken or administered by a judge, clerk, or deputy clerk of a court of record, the seal of such court may be used as the seal of such officer.<sup>15</sup>

## **Notarization by a Commissioned Officer of the United States Armed Forces**

<sup>5</sup> The number of judicial offices was last increased in the 2024 Legislative Session. Ch. 2024-194, L.O.F.

<sup>6</sup> Such a judge is commonly referred to as a "duty judge."

<sup>7</sup> *In re Amends. To Fla. Rules of Civ. Proc., Fla. Rules of Gen. Prac. & Jud. Admin., Fla. Rules of Crim. Proc., Fla. Prob. Rules, Fla. Rules of Traffic Ct., Fla. Small Claims Rules, & Fla. Rules of App. Proc.*, 346 So. 3d 1105, 1108 (Fla. 2022); Fla. R. Gen. Prac. and Jud. Admin. 2.530.

<sup>8</sup> S. [44.103\(2\), F.S.](#); Fla. R. Civ. P. 1.820.

<sup>9</sup> Fla. R. Civ. P. 1.810.

<sup>10</sup> S. [57.082, F.S.](#)

<sup>11</sup> An indigent party must reimburse the portion of the total cost that he or she is immediately able to pay and enter into a payment plan with the clerk of court that will fully reimburse the state for the balance of all state costs for the arbitrator, any costs of administering the payment plan, and any debt collection efforts that may become necessary in the future. S. [44.103\(3\), F.S.](#)

<sup>12</sup> Fla. R. Civ. P. 1.810; s. [44.103\(3\), F.S.](#)

<sup>13</sup> Ch. 2005-236, L.O.F.

<sup>14</sup> OSCA, *Repeal of Arbitrator Compensation Cap Issue Brief* (on file with the House Civil Justice and Claims Subcommittee).

<sup>15</sup> S. [92.50\(1\), F.S.](#)

Section [92.51, F.S.](#), provides that oaths, affidavits and acknowledgments may be taken or administered by certain commissioned officers in active service of the United States Armed Forces<sup>16</sup> if the person required or authorized to make and execute the oath, affidavit, or acknowledgment is:

- A member of the Armed Forces of the United States;
- The spouse of such member; or
- A person whose duties require the person’s presence with the Armed Forces of the United States.<sup>17</sup>

Authentication of oaths, affidavits, or acknowledgements of such persons, taken or administered by a commissioned officer, is achieved by:

- Including the date of the oath, affidavit, or acknowledgment;
- Stating that the person appearing before the officer acknowledged the instrument as the person’s act or made or signed the instrument under oath; and
- Affixing the signature, rank, and branch of service or subdivision thereof of the officer upon the instrument, document, or certificate of proof.<sup>18</sup>

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## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Civil Justice &amp; Claims Subcommittee</a>	16 Y, 0 N	3/13/2025	Jones	Leshko
<a href="#">Justice Budget Subcommittee</a>	14 Y, 0 N		Saag	Keith
<a href="#">Judiciary Committee</a>				

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<sup>16</sup> The officer must have the rank of second lieutenant or higher in the Army, Air Force, Space Force, or Marine Corps or ensign or higher in the Navy or Coast Guard. S. [92.51\(1\), F.S.](#)

<sup>17</sup> *Id.*

<sup>18</sup> S. [92.51\(2\) and \(3\), F.S.](#)