

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 353 Alternative Headquarters for District Court Judges

SPONSOR(S): Maney

TIED BILLS: IDEN./SIM. BILLS: SB 570

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee		Mathews	Jones
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

Florida’s court system consists of two trial-level courts and two appellate-level courts. The trial-level courts consist of 67 county courts and 20 circuit courts. The appellate-level courts consist of the Supreme Court and six district courts of appeal (DCAs).

The DCAs decide most appeals from circuit court cases and many administrative law appeals from actions by the executive branch. DCAs must also review county court decisions invalidating a provision of Florida’s constitution or statutes and may hear decisions of a county court that are certified by the county court to be of great public importance.

Each DCA has one main headquarters located within its jurisdictional district. Additionally, s. 35.05(2), F.S., provides that a DCA may designate other locations within the district as branch headquarters. Under s. 35.051, F.S., a DCA judge who lives more than 50 miles from his or her DCA courthouse or designated branch DCA location is eligible to have a personal headquarters within his or her county of residence and to be reimbursed for trips between such personal headquarters and the DCA location.

HB 353 amends s. 35.051, F.S., to authorize a DCA judge that would otherwise be eligible to establish an alternate headquarters to choose to establish an alternate headquarters in a county adjacent to his or her county of residence. Under the bill, reimbursement is limited to the lesser of:

- The amount for travel between the judge’s official headquarters and the DCA, or
- The amount that would be authorized for travel between an official headquarters in the judge’s county of residence and the DCA.

The bill may have an insignificant indeterminate fiscal impact due to the expanded option for the location of an alternate headquarters.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida Court System Structure

Florida's court system consists of two trial-level courts and two appellate-level courts. The trial-level courts consist of 67 county courts and 20 circuit courts.¹ The appellate-level courts consist of the Supreme Court and six district courts of appeal.² Each of Florida's 67 counties has at least one county court judge.³ County courts hear violations of municipal and county ordinances, traffic offenses, landlord-tenant disputes, misdemeanor criminal matters, simplified dissolution of marriage cases, and monetary disputes involving an amount in controversy up to and including \$50,000.⁴ Circuit courts hear all criminal and civil matters not within the jurisdiction of the county court, including family law, dependency, juvenile delinquency, mental health, probate, guardianship matters, and civil matters involving an amount in controversy exceeding \$50,000.⁵

The majority of trial court decisions that are appealed are reviewed by the district courts of appeal (DCAs). The DCAs also review many administrative law appeals from actions by the executive branch. DCAs must also review county court decisions invalidating a provision of Florida's constitution or statutes⁶ and may hear decisions of a county court that are certified by the county court to be of great public importance.⁷ The Supreme Court is the highest court in Florida and has mandatory jurisdiction over all death penalty cases, district court decisions declaring a state statute or provision of the state constitution invalid, bond validations, rules of court procedure, and statewide agency actions relating to public utilities.⁸

The current appellate districts are organized as follows:⁹

Appellate District	Circuits Within the DCA
First DCA	1, 2, 3, 8, 14
Second DCA	6, 12, 13
Third DCA	11, 16
Fourth DCA	15, 17, 19
Fifth DCA	4, 5, 7, 18
Sixth DCA	9, 10, 20

¹ Art. V, ss. 5 and 6, Fla. Const.

² The Supreme Court of Florida, *2020-2021 Florida State Courts Annual Report*, <https://www.flcourts.gov/Publications-Statistics/Publications/Annual-Reports/2020-21-Annual-Report> (last visited Dec. 7, 2023); Office of the State Court Administrator, District Courts of Appeal, <https://www.flcourts.gov/Florida-Courts/District-Courts-of-Appeal> (last visited Dec. 7, 2023).

³ Art. V, s. 6(a), Fla. Const.

⁴ Art. V, s. 6(b), Fla. Const.; s. 34.01, F.S.

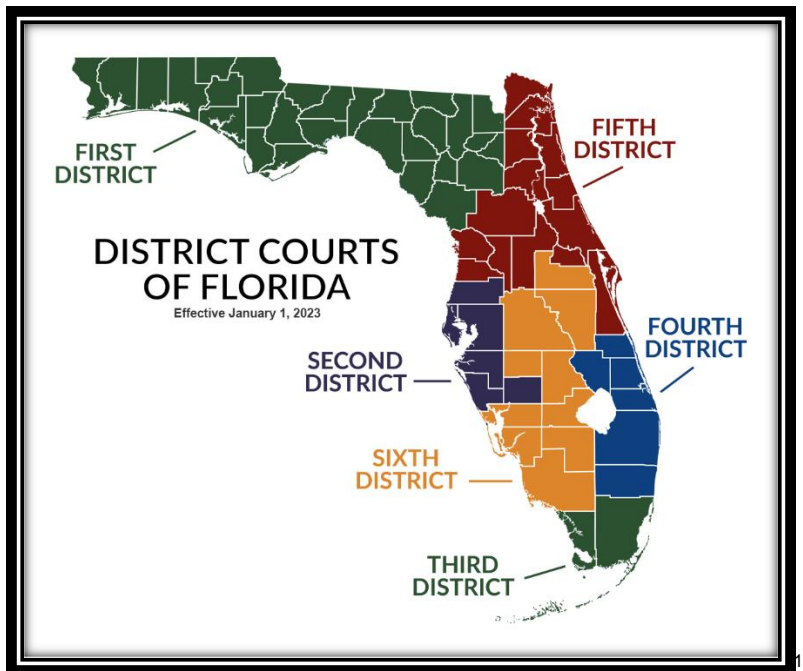
⁵ Art. V, s. 5(b), Fla. Const.; s. 26.012, F.S.

⁶ S. 35.065, F.S.

⁷ *Id.*

⁸ Art. V, s. 3(b), Fla. Const.

⁹ Ss. 35.01-35.044, F.S.



Supreme Court Headquarters

The Florida Supreme Court is located in Tallahassee, Leon County, Florida.¹¹ Pursuant to s. 25.025, F.S., a Supreme Court justice who permanently resides outside of Leon County is eligible for the designation of his or her personal headquarters, which may only serve as the justice's private chambers.¹² The justice may designate a DCA courthouse, a county courthouse, or another appropriate facility in his or her district of residence as his or her personal headquarters.¹³

A justice who chooses to designate an official headquarters in his or her district of residence is eligible for subsistence payment to be prescribed by the Chief Justice as well as reimbursement for travel expenses between the justice's official headquarters and the headquarters of the Supreme Court.¹⁴

DCA Headquarters

Section 35.05(1), F.S., designates the following official headquarters for the six DCAs:¹⁵

- First DCA: Second Judicial Circuit, Tallahassee, Leon County.
- Second DCA: Sixth Judicial Circuit, Pinellas 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.
- Sixth DCA: Tenth Judicial Circuit, Lakeland, Polk County.

Additionally, s. 35.05(2), F.S., provides that a DCA may designate other locations within the district as branch headquarters. Under s. 35.051, F.S., a DCA judge who lives more than 50 miles from his or her DCA courthouse or designated branch DCA location is eligible to have a personal

¹⁰ Fla. 4th DCA, *District Court Boundary Changes Effective January 1, 2023* (Dec. 19, 2022), <https://4dca.flcourts.gov/About-the-Court/Court-News/District-Court-Boundary-Changes-Effective-January-1-2023> (last visited Dec. 8, 2023).

¹¹ Art. II, s. 2, Fla. Const.

¹² S. 25.025(1)(a), F.S.

¹³ *Id.*

¹⁴ S. 25.025(1)(b), F.S.

¹⁵ S. 35.05(1), F.S. Prior to the 2022 legislative session, Florida's DCAs were divided into five appellate districts and employed 64 appellate judges throughout the state. In 2022, in response to a certification of need by the Florida Supreme Court to the Legislature, the Florida Legislature passed HB 7027, which created a sixth DCA.

headquarters and to be reimbursed for trips between such personal headquarters and the DCA location in a manner similar to Supreme Court justices.¹⁶

The personal 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.¹⁷ However, no county is required to provide space to a DCA judge for his or her personal headquarters.¹⁸ The DCA may contract with a county regarding the use of courthouse space, but state funds may not be used to lease the space.¹⁹

Effect of Proposed Changes

HB 353 amends s. 35.051, F.S., to provide that a DCA judge has the additional option to designate an alternative headquarters in a county adjacent to the judge's county of residence within the district he or she serves in. As such, a DCA judge would have the ability to designate as an alternate headquarters a county courthouse or other facility in his or her county of residence or within a county adjacent his or her county of residence, within the district he or she serves.

The bill amends provisions relating to reimbursement for travel expenses to include travel to an alternate headquarters in a county adjacent to judge's county of residence and within the district the judge serves. The reimbursement for travel is limited to the lesser of:

- The amount for travel between the judge's official headquarters and the DCA headquarters or designated branch headquarters; or
- The amount that would otherwise be authorized for travel between an official headquarters maintained in the judge's county of residence and the DCA headquarters or designated branch headquarters.

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1: Amends s. 35.051(1), F.S., relating to subsistence and travel reimbursement for judges with alternate headquarters.

Section 2: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate impact on state expenditures, as it would allow a DCA judge to establish an alternate headquarters in a county adjacent to his or her county of residence within the district he or she serves. Depending on the location the judge selects as his or her personal headquarters and the location he or she would have selected in his or her county of residence pursuant to current law, travel costs and reimbursements may be increased or decreased.

However, the bill does not modify the requirements necessary for a judge to be able to establish an alternate headquarters and, as such, is unlikely to increase the number of judges utilizing alternate headquarters.

¹⁶ S. 35.051(1), F.S.

¹⁷ S. 35.051(1)(a), F.S.

¹⁸ S. 35.051(3)(a), F.S.

¹⁹ S. 35.051(3)(b), F.S.

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES