

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 Judiciary

BILL: SB 570

INTRODUCER: Senator Burgess

SUBJECT: Alternative Headquarters for District Court of Appeal Judges

DATE: January 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 570 permits an eligible district court of appeal judge to designate an alternate official headquarters in a county that is *adjacent* to his or her county of residence that is within the judicial district. Current law only permits an official headquarters designation within the judge's county of residence.

The bill also establishes limits for travel reimbursements for court business. Although a judge who establishes an official headquarters in a county that is adjacent to his or her county of residence may need to travel further to the district court, the bill does not allow the judge to recover more travel expenses than if the judge established a headquarters in his home county.

II. Present Situation:

Current law allows a district court of appeal judge who permanently resides more than 50 miles from the district court of appeal courthouse to which he or she is assigned, to be eligible for the designation of a county courthouse or other appropriate facility in his or her county of residence as his or her alternate official headquarters, for the purpose of computing per diem and travel expenses.¹

This designation of an alternate official headquarters allows the judge to be paid for mileage and subsistence for travel incurred on court business between the alternate headquarters and the district court of appeal headquarters or branch headquarters. However, the payment of subsistence and reimbursement for travel expenses between the alternate official headquarters and the district court of appeal headquarters or branch headquarters may be made only to the extent that appropriated funds are available as determined by the Chief Justice.²

¹ Section 35.051, F.S.

² Section 35.051(1)(c), F.S.

III. Effect of Proposed Changes:

The bill amends existing law to permit an eligible district court of appeal judge to designate a courthouse or other appropriate facility in a county *adjacent* to his or her county of residence within the district as his or her alternate official headquarters. By permitting this additional alternate official headquarters, a judge may choose an appropriate facility that is actually closer to, or more accessible, than a courthouse or facility in the judge's home county.

The bill also provides that if the judge's designated official headquarters is located in a county adjacent to his or her county of residence, travel reimbursement will be limited to the lesser of:

- The amount for travel between the judge's official headquarters and the headquarters or branch headquarters of the appellate district; or
- The amount authorized for travel between an official headquarters maintained in the judge's county of residence and the headquarters or branch headquarters of the appellate district.

The bill does not expand eligibility for alternate official headquarters but will provide additional flexibility for judges, who live more than 50 miles from the court's headquarters or branch headquarters, in determining an alternate official headquarters.

The bill takes effect July 1, 2024.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Office of the State Courts Administrator, the bill is anticipated to have a minimal fiscal impact on the State Courts System.³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 35.051 of the Florida Statutes.

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.

³ Office of the State Courts Administrator, *2024 Judicial Impact Statement for SB 570*, <https://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=35281>.