

SUPREME COURT OF FLORIDA

In re Certification of Need for Additional Judges

260 So. 3d 182 (Fla. 2018) · No. SC18-1970 · Decided December 28, 2018

SUMMARY

The Florida Supreme Court certifies the need for eight additional trial court judges for fiscal year 2019/2020: four circuit judges and four county judges. It identifies specific needs in the First, Ninth, and Fourteenth Judicial Circuits and in Hillsborough County, while decertifying three county court judgeships in Brevard and Pasco Counties. The court certifies no need for additional district court of appeal judges and discusses workload methodology, jurisdictional changes, legislative developments, and other factors affecting judicial need.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Canady; Justice Pariente; Justice Lewis; Justice Quince; Justice Polston; Justice Labarga; Justice Lawson
JURISDICTION	Florida
DECIDED	December 28, 2018
DOCKET	SC18-1970
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in which the Supreme Court of Florida constitutionally certified its findings and recommendations concerning the need for additional judges to the Florida Legislature.
PRECEDENTIAL VALUE	Published state supreme court opinion; precedential as to the Court's certification methodology and the fiscal-year 2019/2020 judicial-need determinations.

TOPICS

[constitutional law](#)[administrative law](#)[civil procedure](#)

PRACTICE AREAS

[constitutional law](#)[judicial administration](#)[court administration](#)

QUESTIONS PRESENTED

1. Whether the Florida Supreme Court should certify the need for additional trial court judges for fiscal year 2019/2020.
2. Whether the Court should decertify previously recognized county court judgeships based on the judicial-need assessment.
3. Whether any additional judgeships were needed in Florida's district courts of appeal.

HOLDINGS

1. The Court certified the need for eight additional trial court judges in Florida: four circuit court judges and four county court judges.
2. The Court decertified three county court judgeships: two in Brevard County and one in Pasco County.
3. The Court certified no need for additional judges in the district courts of appeal.

KEY QUOTATIONS

“This opinion fulfills our constitutional obligation to determine the State’s need for additional judges in fiscal year 2019/2020 and to certify our “findings and recommendations concerning such need” to the Legislature.” (260 So. 3d at 182)

“To make this decision, the Florida Supreme Court continues to use a verified objective weighted caseload methodology as a primary basis for assessing judicial need.” (260 So. 3d at 182)

“Having conducted a quantitative assessment of trial court and appellate court judicial workload and, as noted above, having also considered the various qualitative factors, workload trends, and uncertainties under consideration by this Court, we certify the need for eight additional trial court judges in Florida, consisting of four in circuit court and four in county court, as set forth in the appendix to this opinion.” (260 So. 3d at 186)

FACTUAL BACKGROUND

The Court assessed judicial workload and the need for additional judges for fiscal year 2019/2020. It relied primarily on verified objective case weights and available judge time, supplemented by local secondary factors and workload uncertainties. The Court also considered possible changes to county court jurisdiction, new statutory proceedings, increased judicial involvement in cases, problem-solving courts, pending review of the certification methodology, and litigation arising from Hurricanes Irma and Michael.

PROCEDURAL HISTORY

The Supreme Court of Florida conducted its annual assessment of judicial need using its objective weighted caseload methodology, supplemented by requests and qualitative secondary factors from the lower courts. The Court considered pending reviews of county court jurisdiction, judicial workload rules, legislative changes, problem-solving courts, and storm-related litigation before issuing its certification and decertification recommendations.

DISPOSITION

other

CASES CITED

- In re Certification of Need for Additional Judges, 889 So. 2d 734 (Fla. 2004)

OPINION

PER CURIAM.

Supreme Court of Florida _____ No. SC18-1970 _____ IN RE: CERTIFICATION OF NEED FOR ADDITIONAL JUDGES. December 28, 2018 PER CURIAM. This opinion fulfills our constitutional obligation to determine the State’s need for additional judges in fiscal year 2019/2020 and to certify our “findings and recommendations concerning such need” to the Legislature.¹ Certification is “the sole mechanism established by our constitution for a systematic and uniform 1.

Article V, section 9 of the Florida Constitution provides in pertinent part: 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. assessment of this need.” In re Certification of Need for Additional Judges, 889 So.

2d 734, 735 (Fla. 2004). In this opinion, we certify the need for two additional circuit court judgeships in the Ninth Judicial Circuit, one additional circuit court judgeship in the First Judicial Circuit, one additional circuit court judgeship in the Fourteenth Judicial Circuit, four additional county court judgeships in Hillsborough County, and no additional judgeships in the district courts of appeal.

We decertify the need for two county court judgeships in Brevard County and one county court judgeship in Pasco County. To make this decision, the Florida Supreme Court continues to use a verified objective weighted caseload methodology as a primary basis for assessing judicial need. ² The objective data are supplemented by judgeship requests submitted by the lower courts, including various secondary factors.

These secondary factors identified by each chief judge reflect local differences in support of their requests for more judgeships or in support of their requests to not decertify judgeships in situations where the objective case weights alone would indicate excess judicial capacity. Applying the

criteria in this two-step methodology, this Court concludes that the First, Ninth, and Fourteenth circuits have a demonstrable need for 2.

Our certification methodology relies primarily on case weights and calculations of available judge time to determine the need for additional trial court judges. See Fla. R. Jud. Admin. 2.240. -2- additional circuit judges. Using the same criteria, this Court has concluded that the secondary factor analysis and uncertainty that are further explained below warrant fewer decertifications than the raw numbers alone would indicate.

A number of issues require additional study, review, and consideration because they impact our ability to accurately project judicial need. First is the potential impact of a jurisdiction change in county court. In view of the attention given during the 2018 legislative session to the issue of county court jurisdiction, this Court issued In re Work Group on County Court Jurisdiction, Fla. Admin.

Order No. AOSC18-39 (Aug. 1, 2018), establishing the Work Group on County Court Jurisdiction within the Judicial Management Council. We directed that work group to review the county court and small claims jurisdictional limits, which have not been adjusted since 1992 and 1996 respectively, and we instructed the work group to further consider and examine operational and workload issues that would be affected if those limits were to be adjusted upward.

The report of that work group was submitted on November 30 of this year and is currently under review by this Court. Given the recent interest by the Florida Legislature in adjusting county court jurisdiction, it is possible county court jurisdiction thresholds for civil cases, the procedures and path for appeals in certain cases, and small claims jurisdiction amounts may be adjusted.

Precise estimates of how these changes would affect objective measures are challenging when considered individually and more so -3- when multiple adjustments are contemplated. Any of the changes can reasonably be expected to shift workload in county, circuit, and appellate courts. Additionally, trial court judges report that changes in law since the current case weights were developed in 2015 have resulted in more judicial involvement in cases generally.

An example is the recent amendments to section 790.401, Florida Statutes (2018), creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition. Since enactment of this legislation in March 2018, the courts have handled approximately 100 of these actions per month around the state.

The impact of this and other legislation, such as section 825.1035, Florida Statutes (2018), the statute creating vulnerable adult injunctions, requires careful assessment. Similarly, with the growth of problem-solving courts throughout the state and the increased number of cases handled

by those problem-solving courts, it is important for this Court, in its consideration of assessment of judicial need, to evaluate the impact to judicial workload these courts create.

While these courts show positive results in reduced recidivism and better outcomes for citizens, they also require significantly more judicial time. This Court is reluctant to decertify judgeships while important reviews it has ordered, some of which may revise the very rules governing its analysis, are -4- pending. Specifically, this Court has directed the Commission on Trial Court Performance and Accountability to review Florida Rule of Judicial Administration 2.240.

This review will include an assessment of the secondary factors influencing judicial certification to determine if there are areas of inconsistency, overlap, or gaps between current factors in the case-weight formula and the unique local differences reported by the chief judges in the secondary factors portion of the evaluation of judicial need.

The Commission has been specifically instructed to review rules 2.240(b)(1)(B) and 2.240(c), Florida Rules of Judicial Administration, concerning secondary factors to determine if there is a need to recommend modifications.

Finally, we note a need to monitor and consider any increases in litigation in the storm-impacted areas of the state, especially indebtedness and contract cases associated with Hurricane Irma in 2017 and Hurricane Michael in October 2018.

Having conducted a quantitative assessment of trial court and appellate court judicial workload and, as noted above, having also considered the various qualitative factors, workload trends, and uncertainties under consideration by this Court, we certify the need for eight additional trial court judges in Florida, consisting of four in circuit court and four in county court, as set forth in the appendix to this opinion.

We are also recommending the decertification of three -5- county court judgeships, also identified in the appendix, and we certify no need for additional judges in the district courts of appeal. It is so ordered. CANADY, C.J., and PARIENTE, LEWIS, QUINCE, POLSTON, LABARGA, and LAWSON, JJ., concur. Original Proceeding – Certification of Need for Additional Judges -6-
APPENDIX Trial Court Need Circuit Court County Court County Court Certified Certified
Decertified Circuit Judges County Judges Judges 1 1 N/A 0 0 2 0 N/A 0 0 3 0 N/A 0 0 4 0 N/A 0 0
5 0 N/A 0 0 6 0 Pasco 0 1 7 0 N/A 0 0 8 0 N/A 0 0 9 2 N/A 0 0 10 0 N/A 0 0 11 0 N/A 0 0 12 0
N/A 0 0 13 0 Hillsborough 4 0 14 1 N/A 0 0 15 0 N/A 0 0 16 0 N/A 0 0 17 0 N/A 0 0 18 0 Brevard
0 2 19 0 N/A 0 0 20 0 N/A 0 0 Total 4 Total 4 3 -7-