

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 301 Supreme Court Reporting Requirements

**SPONSOR(S):** White and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 878

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice & Claims Subcommittee	13 Y, 3 N	Stranburg	Bond
2) Judiciary Committee	12 Y, 6 N	Stranburg	Camechis

### SUMMARY ANALYSIS

The Florida Rules of Judicial Administration, written and adopted by the Supreme Court, provide time standards for the resolution of various types of cases. Among the standards is that an appellate court render a decision within 180 days of oral argument or submission of the case to the court panel without oral argument. The trial courts and district courts of appeal must report every quarter all cases on their dockets that fall outside of the applicable time standard. This report is sent to the Chief Justice of the Supreme Court as part of the Supreme Court's constitutional duty to supervise the lower courts. The Supreme Court by practice also creates a report each quarter of the cases on its docket past the 180 day time standard, which it files with itself.

This bill requires the Supreme Court to provide an annual report by October 15 of each year listing its cases without a decision or disposition beyond a 180 day period. The report is to be delivered to the Governor, Attorney General, President of the Senate, and the Speaker of the House of Representatives. The report must list all cases on the court's docket outside of the time standard that have not been resolved and cases resolved in the previous year beyond the time standard. The report must also include the case name, number and type, the amount of time since oral argument or submission without oral argument, and the reason for the delay in rendering a decision. The report must be made in electronic spreadsheet format and able to be filtered and sorted. The bill includes 6 different designations for the case type portion of the report.

The requirement is repealed July 1, 2022, unless reviewed and reenacted by the Legislature before that date.

The bill does not appear to have a fiscal impact on state or local governments.

The effective date of the bill is July 1, 2017.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

Art. V, s. 2 of the Florida Constitution requires the Supreme Court to adopt rules for the practice and procedure in all courts and rules for the administrative supervision of all courts.<sup>1</sup> Florida Rule of Judicial Administration 2.250 provides time standards for all courts to dispose of cases.<sup>2</sup> Trial courts have multiple time standards based on case type.<sup>3</sup> These standards range from 90 days from arrest to final disposition in misdemeanor cases to 24 months from filing to final discharge of contested probate cases.<sup>4</sup>

The general time standard for the Supreme Court and the District Courts of Appeal requires a decision to be rendered in a case within 180 days of either oral argument or submission of the case to the court panel for a decision without oral argument.<sup>5</sup> The time standard for juvenile dependency and termination of parental rights appeals, however, is within 60 days of oral arguments or submission to the court without oral arguments.<sup>6</sup>

Rule 2.250 also requires a report from each trial and district court on cases not resolved within the time standards.<sup>7</sup> All pending cases in circuit courts and district courts of appeal exceeding the time standards must be listed separately in a report submitted quarterly to the Chief Justice of the Supreme Court.<sup>8</sup> The Supreme Court, by practice, also produces a report detailing its pending cases exceeding the appellate time standard, which it files with itself. Pursuant to Rule 2.250(b), the report must include the case number, case type, case status, the date of arrest in criminal cases, and the original filing date in civil cases for each case in the report.<sup>9</sup> The reports generated by the District Courts and the Supreme Court contain the case number, the case name, and the date of oral argument or submission without oral argument.<sup>10</sup> These reports also include a list of all cases that exceed the time standard during the last quarter and that were resolved during the current quarter, including the date the opinion was rendered.<sup>11</sup>

The reports are furnished to the Chief Justice.<sup>12</sup> The cases in the report are listed in order by case number.<sup>13</sup> The report is due to the Chief Justice on the 15th day of the month following the last day of the quarter.<sup>14</sup>

#### **Effect of Proposed Changes**

The bill creates s. 25.052, F.S, requiring the Supreme Court to provide an annual report on its cases without a decision or disposition beyond a 180 day period. The report must be provided by October 15 and contain data as of September 30 of that year. The report must be delivered to the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives.

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<sup>1</sup> Art. V, s. 2(a), Fla. Const.

<sup>2</sup> Fla. R. Jud. Admin. 2.250(a)

<sup>3</sup> Fla. R. Jud. Admin. 2.250(a)(1)

<sup>4</sup> Fla. R. Jud. Admin. 2.250(a)(1)(A),(D)

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Fla. R. Jud. Admin. 2.250(b)

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Appellate Courts Pending Caseload Report for Quarter Ending September 30, 2016. A copy of this document is on file with the Civil Justice and Claims Subcommittee.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Fla. R. Jud. Admin. 2.250(b)

The report must include cases on the court's docket as of September 30 that fall outside of the 180 day time standard for disposition or decision. The report also includes cases decided or disposed of between October 1 of the previous year and September 30 of the current year for which the court did not meet the 180 day time standard. For each case listed in the report, the Supreme Court must provide:

- Case name and number;
- Case type;
- A brief description of the case;
- The date on which the case was added to the court's docket;
- The date of oral argument or submission to the court panel without oral argument;
- The number of days that have elapsed since the date of oral argument or submission without oral argument for each case;
- A detailed explanation of the court's failure to render a decision or disposition within the 180 day period; and
- The date on which, or time period within which, the court expects to render a decision or disposition, if the case has not yet been decided.

For cases that were decided outside of the 180 period between October 1 of the previous year and September 30 of the current year, the Supreme Court must also provide the date of the decision or disposition and the number of days elapsed between the date of oral argument or submission without oral argument and date on which a decision or disposition was issued.

The report must be submitted in an electronic spreadsheet format. The spreadsheet must be able to be sorted and filtered by:

- Case number;
- Case type;
- The date on which the case was added to the court's docket;
- The date of oral argument or submission without oral argument;
- The number of days that have elapsed since oral argument or submission without oral argument; and
- The date of decision or disposition.

Case type designations are to include civil, criminal not seeking the death penalty, criminal seeking the death penalty, court rules, bar discipline, and judicial discipline.

The act is repealed July 1, 2022, unless it is reviewed and reenacted by the Legislature before that date.

#### B. SECTION DIRECTORY:

Section 1 creates s. 25.052, F.S., related to Supreme Court reporting requirements.

Section 2 provides for future legislative review and repeal by July 1, 2022.

Section 3 provides an effective date of July 1, 2017.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill does not appear to have any impact on state revenues.

#### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

This bill does not appear to have any impact on local government revenues.

#### 2. Expenditures:

This bill does not appear to have any impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

### D. FISCAL COMMENTS:

The Office of the State Courts Administrator was not able to determine the fiscal impact of the bill.<sup>15</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill does not appear to create rulemaking authority or a need for rulemaking.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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<sup>15</sup> Office of the State Courts Administrator 2017 Judicial Impact Statement, dated February 2, 2017. A copy of the statement is on file with the Civil Justice & Claims Subcommittee.