

**STORAGE NAME:** h1753a.cj

**DATE:** April 20, 1997

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
CRIMINAL JUSTICE APPROPRIATIONS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1753

**RELATING TO:** Judicial Certification

**SPONSOR(S):** Committee on Civil Justice and Claims and Rep. Warner

**STATUTE(S) AFFECTED:** s. 26.031, F.S. and s. 34.022, F.S.

**COMPANION BILL(S):** SB 892 (similar)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMITTEE ON CIVIL JUSTICE AND CLAIMS YEAS 9 NAYS 0
- (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 9 NAYS 0
- (3)
- (4)
- (5)

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**I. SUMMARY:**

HB 1753 implements the Florida Supreme Court's Certification of Need for Additional Judges. The Certification specifies the need for ten new judgeships; seven for the circuit courts and three for county courts.

The seven circuit court judgeships are allotted one each to the second, fourth, seventh, ninth and seventeenth circuits, and two to the fifth circuit.

The three county court judgeships are allotted one each to Broward, Dade, and Orange counties.

The fiscal impact of this bill is General Revenue expenditures of \$1,552,886 in FY 1997-98 and \$1,889,928 in FY 1998-99. An appropriation to fund this bill effective October 1, 1997, is included in the House Criminal Justice Appropriations Act (HB 1817).

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Florida Constitution grants the Florida Supreme Court responsibility for certifying to the Legislature the need for additional appellate, circuit and county judges. (Art. V, S. 9, Florida Constitution). Upon certification, the Legislature, at the next regular session, must consider the Supreme Court's findings and recommendations. The Legislature may pass an amended certification by a 2/3 vote of both the House and Senate.

Presently, there are a total of 61 judges within the five district Courts of Appeal, a total of 461 circuit court judges in the 20 judicial circuits, and 260 county judges. Annually, each district, circuit, and county forwards its upcoming fiscal year needs to the Supreme Court. For fiscal year 1997-98 there were 26 requests for new judgeships, of which 10 were certified to the Legislature by Supreme Court Order on February 12, 1997. In addition to certifying the judgeships, the court order also urges the Legislature to fund the judicial branch budget request for judicial support staff.

Legislative precedent considers judgeships to consist of a judge and associated costs such as support staff, library materials, expenses, and operating capital outlay. Regarding support staff, the Legislature has historically provided one judicial assistant per judge.

The Florida Rules of Judicial Administration s. 2.035 (b) (1) and (2) provide the criteria used to determine certification needs. The Supreme Court has determined that caseload statistics and caseload trends are the most reliable and accurate measures of judicial workload. However, the court also considers other factors when assessing need such as whether county judges are available to serve in circuit court; the use of alternative dispute resolution; the availability and use of support staff; the number of jury trials; the nature and complexity of cases; and the use of senior judges.

B. EFFECT OF PROPOSED CHANGES:

HB 1753 provides for seven additional circuit court judges and three additional county court judges.

The seven circuit court judgeships are allotted one each to the second, fourth, seventh, ninth and seventeenth circuits, and two to the fifth circuit. The three county court judgeships are allotted one each to Broward, Dade, and Orange counties.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

NA.

(2) what is the cost of such responsibility at the new level/agency?

NA.

(3) how is the new agency accountable to the people governed?

NA.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

NA.

b. Does the bill require or authorize an increase in any fees?

NA.

c. Does the bill reduce total taxes, both rates and revenues?

NA.

d. Does the bill reduce total fees, both rates and revenues?

NA.

e. Does the bill authorize any fee or tax increase by any local government?

NA.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

NA.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

NA.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

NA.

(2) Who makes the decisions?

NA.

(3) Are private alternatives permitted?

NA.

(4) Are families required to participate in a program?

NA.

(5) Are families penalized for not participating in a program?

NA.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

NA.

(2) service providers?

NA.

(3) government employees/agencies?

NA.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 26.031, F.S., 1996 Supplement, adding seven circuit court judges.

Section 2 amends s. 34.022, F.S., 1996 Supplement, adding three county court judges.

Section 3 provides an October 1, 1997, effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

General Revenue Fund	<u>FY 1997-98</u>
	\$88,974

2. Recurring Effects:

22 FTE	<u>FY 1997-98</u>	<u>FY 1998-99</u>
General Revenue Fund	\$1,463,912	\$1,889,928

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

22 FTE	<u>FY 1997-98</u>	<u>FY 1998-99</u>
General Revenue Fund	\$1,552,886	\$1,889,928
(See section D, Fiscal Comments)		

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate. See B.2. below.

2. Recurring Effects:

Indeterminate. While the state pays for the salaries and benefits, expenses, and operating capital outlay directly related to the judgeships, the counties receiving the judgeships can expect to incur an increase in costs as a result of increased workload. These costs include support personal, office expenses and travel for court related functions, office equipment, court reporting, administrative functions, and facilities costs. A study performed by the Legislative Committee on Intergovernmental Relations indicated that in FY 1994-95 the counties paid 56 percent of total judicial costs.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The House 1997-98 Criminal Justice Appropriations Act (HB1817) contains an appropriation for the cost of the 10 judgeships which includes 10 judicial assistants (one for each judge), and two trial court law clerks (for the 4th and 5th circuits), for a total of 22 FTE. The appropriation funds salaries and benefits, and provides expenses and operating capital outlay as requested by the Office of the State Courts Administrator.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the percentage of a state tax shared with counties or municipalities. Therefore, it would not contravene the requirements of Article VII, Section 18 of the state constitution.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill would not reduce the percentage of state tax shared with counties or municipalities. Therefore, it would not contravene the requirements of Article VII, Section 18, of the state constitution.

V. COMMENTS:

None.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Criminal Justice Appropriations passed the bill on April 18, 1997, with one amendment. The amendment directs OPPAGA to study the judicial efficiency and cost effectiveness of Florida's two-tier trial court system and the jurisdictional distinctions between county and circuit courts. The study is required to be completed and submitted to the President of the Senate, the Speaker of the House, the Chief Justice, and the Governor no later than January 1, 1998.

VII. SIGNATURES:

COMMITTEE ON CIVIL JUSTICE AND CLAIMS:

Prepared by:

Legislative Research Director:

Bridget Edmond

AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

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