

By the Committee on Judiciary and Senator Dudley

308-2236-98

1 A bill to be entitled
2 An act relating to the judiciary; amending s.
3 26.031, F.S.; increasing the number of judges
4 for specified judicial circuits; amending s.
5 34.022, F.S.; increasing the number of judges
6 for specified county courts; providing for the
7 filling of vacancies occurring as a result of
8 the creation of judicial offices; amending s.
9 318.37, F.S.; providing funds to establish the
10 Civil Traffic Infraction Hearing Officer
11 Program; providing for method of payment;
12 providing for funds for the judicial branch to
13 contract for the development of a specified
14 type system to use in determining the need for
15 additional judges; giving the Office of Program
16 Policy Analysis and Government Accountability
17 certain responsibilities with regard to the
18 development of a system to determine the need
19 for additional judges; providing effective
20 dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 26.031, Florida Statutes, as
25 amended by section 1 of chapter 97-257, Laws of Florida, is
26 amended to read:

27 26.031 Judicial circuits; number of judges.--The
28 number of circuit judges in each circuit shall be as follows:

29

JUDICIAL CIRCUIT	TOTAL
(1) First.....	19

1	(2) Second.....	12
2	(3) Third.....	<u>6</u> 5
3	(4) Fourth.....	<u>30</u> 29
4	(5) Fifth.....	20
5	(6) Sixth.....	<u>39</u> 37
6	(7) Seventh.....	21
7	(8) Eighth.....	10
8	(9) Ninth.....	<u>34</u> 33
9	(10) Tenth.....	<u>19</u> 18
10	(11) Eleventh.....	70
11	(12) Twelfth.....	<u>18</u> 17
12	(13) Thirteenth.....	<u>34</u> 33
13	(14) Fourteenth.....	9
14	(15) Fifteenth.....	31
15	(16) Sixteenth.....	4
16	(17) Seventeenth.....	<u>48</u> 46
17	(18) Eighteenth.....	<u>22</u> 21
18	(19) Nineteenth.....	<u>14</u> 13
19	(20) Twentieth.....	<u>21</u> 20
20	Section 2. Section 34.022, Florida Statutes, as	
21	amended by section 2 of chapter 97-257, Laws of Florida, is	
22	amended to read:	
23	34.022 Number of county court judges for each	
24	county.--The number of county court judges in each county	
25	shall be as follows:	
26		
27	COUNTY	TOTAL
28	(1) Alachua.....	5
29	(2) Baker.....	1
30	(3) Bay.....	3
31	(4) Bradford.....	1

1	(5)	Brevard.....	7
2	(6)	Broward.....	<u>26</u> 25
3	(7)	Calhoun.....	1
4	(8)	Charlotte.....	2
5	(9)	Citrus.....	1
6	(10)	Clay.....	2
7	(11)	Collier.....	3
8	(12)	Columbia.....	1
9	(13)	Dade.....	41
10	(14)	DeSoto.....	1
11	(15)	Dixie.....	1
12	(16)	Duval.....	<u>14</u> 13
13	(17)	Escambia.....	5
14	(18)	Flagler.....	1
15	(19)	Franklin.....	1
16	(20)	Gadsden.....	1
17	(21)	Gilchrist.....	1
18	(22)	Glades.....	1
19	(23)	Gulf.....	1
20	(24)	Hamilton.....	1
21	(25)	Hardee.....	1
22	(26)	Hendry.....	1
23	(27)	Hernando.....	1
24	(28)	Highlands.....	1
25	(29)	Hillsborough.....	<u>14</u> 13
26	(30)	Holmes.....	1
27	(31)	Indian River.....	2
28	(32)	Jackson.....	1
29	(33)	Jefferson.....	1
30	(34)	Lafayette.....	1
31	(35)	Lake.....	2

1	(36)	Lee.....	6
2	(37)	Leon.....	<u>5</u> 4
3	(38)	Levy.....	1
4	(39)	Liberty.....	1
5	(40)	Madison.....	1
6	(41)	Manatee.....	3
7	(42)	Marion.....	3
8	(43)	Martin.....	2
9	(44)	Monroe.....	4
10	(45)	Nassau.....	1
11	(46)	Okaloosa.....	2
12	(47)	Okeechobee.....	1
13	(48)	Orange.....	14
14	(49)	Osceola.....	3
15	(50)	Palm Beach.....	17
16	(51)	Pasco.....	3
17	(52)	Pinellas.....	13
18	(53)	Polk.....	<u>7</u> 6
19	(54)	Putnam.....	1
20	(55)	St. Johns.....	2
21	(56)	St. Lucie.....	3
22	(57)	Santa Rosa.....	2
23	(58)	Sarasota.....	4
24	(59)	Seminole.....	5
25	(60)	Sumter.....	1
26	(61)	Suwannee.....	1
27	(62)	Taylor.....	1
28	(63)	Union.....	1
29	(64)	Volusia.....	9
30	(65)	Wakulla.....	1
31	(66)	Walton.....	1

1 (67) Washington.....1

2 Section 3. The judges filling new offices created by
3 this act shall be appointed and shall take office April 1,
4 1999.

5 Section 4. Section 318.32, Florida Statutes, is
6 amended to read:

7 318.32 Jurisdiction; limitations.--

8 (1) Hearing officers shall be empowered to accept
9 pleas from and decide the guilt or innocence of any person,
10 adult or juvenile, charged with any civil traffic infraction
11 and shall be empowered to adjudicate or withhold adjudication
12 of guilt in the same manner as a county court judge under the
13 statutes, rules, and procedures presently existing or as
14 subsequently amended, except that hearing officers shall not:

15 (a) Have the power to hold a defendant in contempt of
16 court, but shall be permitted to file a motion for order of
17 contempt with the appropriate state trial court judge;

18 (b) Hear a case involving an accident resulting in
19 ~~injury or~~ death; or

20 (c) Hear a criminal traffic offense case or a case
21 involving a civil traffic infraction issued in conjunction
22 with a criminal traffic offense.

23 (2) This section does not prohibit a county court
24 judge from exercising concurrent jurisdiction with a civil
25 traffic hearing officer.

26 (3) Upon the request of the defendant contained in a
27 Notice of Appearance or a written plea, the case shall be
28 assigned to a county court judge regularly assigned to hear
29 traffic matters.

30 Section 5. Section 318.37, Florida Statutes, is
31 amended to read:

1 318.37 Funding.--In any county electing to establish a
2 Civil Traffic Infraction Hearing Officer Program under ss.
3 318.30-318.38 the court shall develop a plan for its
4 implementation and shall submit the plan to the Office of the
5 State Courts Administrator. The state shall provide annual
6 funds on a 50/50 matching basis to establish the Civil Traffic
7 Infraction Hearing Officer Program in any county having three
8 or more county judges. The maximum annual matching grant for
9 any county participating in the program shall be determined by
10 dividing the number of county judges in the county by five and
11 multiplying the result by \$25,000.Funds for the program are
12 to be used for hearing officer salaries, which may not exceed
13 \$50 per hour, and other necessary expenses such as hearing
14 officer training, office rental, furniture, and administrative
15 staff salaries. The state matching funds shall be paid to the
16 county as a grant-in-aid in accordance with policies necessary
17 to implement this section established by the Office of the
18 State Courts Administrator.Any county electing to establish
19 such a program shall provide such other ~~the~~ funds as are
20 necessary to operate the program.

21 Section 6. A total of \$725,000 in recurring funds and
22 one full-time-equivalent position is appropriated in lump sum
23 in the administered funds budget of the judicial branch to
24 implement the provisions of section 4 of this act.

25 Section 7. A total of \$75,000 in recurring funds is
26 appropriated in lump sum in the administered funds budget of
27 the judicial branch to contract for the development of a
28 Delphi-based case load weighting system to determine the
29 optimum case loads for circuit and county judges and, in
30 conjunction with other factors, to determine the need for
31 additional circuit and county court judges. The judicial

1 branch shall consult with the Office of Program Policy
2 Analysis and Government Accountability on defining the scope
3 of work, selecting a consultant, and choosing a methodology
4 for developing case weights and determining available judge
5 time. The Office of Program Policy Analysis and Government
6 Accountability shall issue a report not later than February 1,
7 1999 on the development of case weights and their use in the
8 judicial certification process.

9 Section 8. This act shall take effect on January 15,
10 1999, except that this section and sections 4, 5, 6, and 7 of
11 this act shall take effect upon becoming a law.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 2158

16 The committee substitute makes the following provisions:

- 17 - The effective date of the new judgeships is April 1,
18 1999, which will create the judicial vacancies in
19 mid-term, accordingly, pursuant to Article V, section 11,
20 Florida Constitution, the new judges would be appointed.
21 - The bill amends s. 318.37, F.S., to provide state
22 matching funds to counties establishing civil traffic
23 hearing officer programs and establishes limits on
24 compensation for traffic hearing officers.
25 - The bill also provides for a study to develop a weighted
26 caseload system to measure judicial workloads.
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