

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.
9 318.32, F.S.; revising duties of traffic
10 infraction hearing officers; amending s.
11 318.37, F.S.; providing funds to establish the
12 Civil Traffic Infraction Hearing Officer
13 Program; providing for method of payment;
14 providing for funds for the judicial branch to
15 contract for the development of a specified
16 type system to use in determining the need for
17 additional judges; giving the Office of Program
18 Policy Analysis and Government Accountability
19 certain responsibilities with regard to the
20 development of a system to determine the need
21 for additional judges; providing effective
22 dates.

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24 Be It Enacted by the Legislature of the State of Florida:

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

29 26.031 Judicial circuits; number of judges.--The
30 number of circuit judges in each circuit shall be as follows:

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

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

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

1 (65) Wakulla.....1
 2 (66) Walton.....1
 3 (67) Washington.....1

4 Section 3. The judges filling new offices created by
 5 this act shall be appointed, except those created in the Sixth
 6 and Seventeenth Judicial Circuits and Broward County, which
 7 shall be elected in the November 1998 general election, in
 8 nonpartisan elections, except those created in the Third
 9 Judicial Circuit, which shall be elected in the November 1998
 10 general election in a nonpartisan election, and shall take
 11 office April 1, 1999.

12 Section 4. Section 318.32, Florida Statutes, is
 13 amended to read:

14 318.32 Jurisdiction; limitations.--

15 (1) Hearing officers shall be empowered to accept
 16 pleas from and decide the guilt or innocence of any person,
 17 adult or juvenile, charged with any civil traffic infraction
 18 and shall be empowered to adjudicate or withhold adjudication
 19 of guilt in the same manner as a county court judge under the
 20 statutes, rules, and procedures presently existing or as
 21 subsequently amended, except that hearing officers shall not:

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

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

27 (c) Hear a criminal traffic offense case or a case
 28 involving a civil traffic infraction issued in conjunction
 29 with a criminal traffic offense.

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

4 (3) Upon the request of the defendant contained in a
5 Notice of Appearance or a written plea, the case shall be
6 assigned to a county court judge regularly assigned to hear
7 traffic matters.

8 Section 5. Section 318.37, Florida Statutes, is
9 amended to read:

10 318.37 Funding.--In any county electing to establish a
11 Civil Traffic Infraction Hearing Officer Program under ss.
12 318.30-318.38 the court shall develop a plan for its
13 implementation and shall submit the plan to the Office of the
14 State Courts Administrator. The state shall provide annual
15 funds on a 50/50 matching basis to establish the Civil Traffic
16 Infraction Hearing Officer Program in any county having three
17 or more county judges. The maximum annual matching grant for
18 any county participating in the program shall be determined by
19 dividing the number of county judges in the county by five and
20 multiplying the result by \$25,000.Funds for the program are
21 to be used for hearing officer salaries, which may not exceed
22 \$50 per hour, and other necessary expenses such as hearing
23 officer training, office rental, furniture, and administrative
24 staff salaries. The state matching funds shall be paid to the
25 county as a grant-in-aid in accordance with policies necessary
26 to implement this section established by the Office of the
27 State Courts Administrator.Any county electing to establish
28 such a program shall provide such other ~~the~~ funds as are
29 necessary to operate the program.

30 Section 6. The Office of the State Courts
31 Administrator shall contract for the development of a

1 Delphi-based case load weighting system to determine the
2 optimum case loads for circuit and county judges and, in
3 conjunction with other factors, to determine the need for
4 additional circuit and county court judges. The judicial
5 branch shall consult with the Office of Program Policy
6 Analysis and Government Accountability on defining the scope
7 of work, selecting a consultant, and choosing a methodology
8 for developing case load weights and determining available
9 judge time. The Office of Program Policy Analysis and
10 Government Accountability shall issue a report not later than
11 February 1, 1999 on the development of case load weights and
12 their use in the judicial certification process.

13 Section 7. A total of \$825,000 from the General
14 Revenue Fund and one full-time equivalent position from
15 specific appropriations 2215, 2217, 2221, 2229, 2231, and
16 2231A in the Conference Report on House Bill 4201, which is
17 the 1998-1999 General Appropriations Act, may be used to
18 implement sections 5 and 6 of this act.

19 Section 8. This act shall take effect on January 15,
20 1999, except that this section and sections 4, 5, 6, and 7 of
21 this act shall take effect upon becoming a law.
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