

STORAGE NAME: HB 4825

DATE: April 21, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CIVIL JUSTICE & CLAIMS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4825 (PCB-CJCL 98-10B)

RELATING TO: Judicial Certification

SPONSOR(S): Committee on Civil Justice & Claims

COMPANION BILL(S): SB 2158 by Senator Dudley

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

- (1) CIVIL JUSTICE & CLAIMS YEAS 9 NAYS 0
 - (2)
 - (3)
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 - (5)
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I. SUMMARY:

This bill addresses the judicial certification request of the Florida Supreme Court. Pursuant to Article V, section 9, Florida Constitution, the Florida Supreme Court on February 20, 1998, certified the need for an additional 13 circuit court judges, and an additional 5 county court judges. This bill creates an additional 12 circuit court judges. The bill certifies 4 additional county court judges. The bill creates the new judgeships effective April 1, 1999, which means the new judges will be appointed. The bill provides for additional funding of Civil Traffic Infraction Hearing Officers, and for the funding of a study to develop a weighted caseload system to measure judicial workload.

The bill has a fiscal impact of \$926,818.00 for the 1998-1999 fiscal year.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

There are currently 468 circuit court judges in Florida, s. 26.031, F.S., and 263 county court judges in Florida, s. 34.022, F.S. In accordance with Article V, section 9, of the Florida Constitution, the Florida Supreme Court determines the need for additional judgeships, and prior to each regular session certifies the need for additional judgeships to the Legislature. The criteria the Florida Supreme Court follows in the determination of need for additional judgeships is set forth in Rule 2.035(b), Florida Rules of Judicial Administration. In addition to other factors, the caseload filing threshold for circuit court judges is 1,865 cases per judge, and for county court judges, the caseload filing threshold is 6,114 cases per judge.

On February 20, 1998, the Florida Supreme Court certified to the Legislature the need for an additional 13 circuit court judges, and an additional 5 county court judges. The 13 circuit judges are certified by the Florida Supreme Court for the following judicial circuits: one judge each for the 3rd, 4th, 9th, 10th, 12th, 13th, 18th, 19th and 20th judicial circuits, and two judges each for the 6th and 17th judicial circuits. One county court judge each is certified for Leon, Duval, Polk, Hillsborough, and Broward counties.

Pursuant to Article V, section, Florida Constitution, changes to the Florida Supreme Court's judicial certification request require a two-thirds vote of each house of the Legislature.

B. EFFECT OF PROPOSED CHANGES:

This bill provides for 12 additional circuit court judges, and one additional county court judge. The 12 additional circuit court judges are created one each for the 3rd, 4th, 9th, 10th, 12th, 13th, 17th, 18th, 19th, 20th, and 2 judges for the 6th judicial circuit. The bill creates one additional county court judge for Broward, Duval, Hillsborough and Polk County.

The effective date of the new judgeships is April 1, 1999, which will create the judicial vacancies in mid-term, accordingly, pursuant to Article V, section 11, Florida Constitution, the new judges would be appointed.

The bill amends s.318.37, F.S. to provide state matching funds to counties establishing civil traffic hearing officer programs and establishes limits on compensation for traffic hearing officers. The bill also provides for a study to develop a weighted caseload system to measure judicial workloads.

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?

N/A

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

N/A

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

N/A

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?

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 26.031, 34.022, 317.37, F.S.

E. SECTION-BY-SECTION RESEARCH:

See section II, B. above.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The bill has a \$926,818.00 fiscal impact for fiscal year 1998-1999.

2. Recurring Effects:

The bill has a \$2,344,000.00 fiscal impact for the fiscal year 1999-2000.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

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D. FISCAL COMMENTS:

See Section III, A, above.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON CIVIL JUSTICE AND CLAIMS:

Prepared by:

Legislative Research Director:

Richard Hixson

Richard Hixson