

By the Committee on Civil Justice & Claims and  
Representatives Warner, Thrasher, Ritter, Clemons, Cosgrove,  
Byrd and Bradley

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           in specified judicial circuits; amending s.  
5           34.022, F.S.; increasing the number of judges  
6           in specified county courts; amending s. 318.32,  
7           F.S.; revising duties of traffic infraction  
8           hearing officers; amending s. 318.37, F.S.;  
9           providing for annual funding of the Civil  
10          Traffic Infraction Hearing Officer Program in  
11          specified counties; providing appropriations;  
12          providing for the development of a caseload  
13          weighting system; providing for a report;  
14          providing effective dates.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 26.031, Florida Statutes, as  
19 amended by chapter 97-257, Laws of Florida, is amended to  
20 read:

21           26.031 Judicial circuits; number of judges.--The  
22 number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
25           (1) First.....	19
26           (2) Second.....	12
27           (3) Third.....	<u>65</u>
28           (4) Fourth.....	<u>3029</u>
29           (5) Fifth.....	20
30           (6) Sixth.....	<u>3937</u>
31           (7) Seventh.....	21

1	(8) Eighth.....	10
2	(9) Ninth.....	<u>3433</u>
3	(10) Tenth.....	<u>1918</u>
4	(11) Eleventh.....	70
5	(12) Twelfth.....	<u>1817</u>
6	(13) Thirteenth.....	<u>3433</u>
7	(14) Fourteenth.....	9
8	(15) Fifteenth.....	31
9	(16) Sixteenth.....	4
10	(17) Seventeenth.....	<u>4746</u>
11	(18) Eighteenth.....	<u>2221</u>
12	(19) Nineteenth.....	<u>1413</u>
13	(20) Twentieth.....	<u>2120</u>

14 Section 2. Section 34.022, Florida Statutes, as  
15 amended by chapter 97-257, Laws of Florida, is amended to  
16 read:

17 34.022 Number of county court judges for each  
18 county.--The number of county court judges in each county  
19 shall be as follows:

20		
21	COUNTY	TOTAL
22	(1) Alachua.....	5
23	(2) Baker.....	1
24	(3) Bay.....	3
25	(4) Bradford.....	1
26	(5) Brevard.....	7
27	(6) Broward.....	<u>2625</u>
28	(7) Calhoun.....	1
29	(8) Charlotte.....	2
30	(9) Citrus.....	1
31	(10) Clay.....	2

1	(11) Collier.....	3
2	(12) Columbia.....	1
3	(13) Dade.....	41
4	(14) DeSoto.....	1
5	(15) Dixie.....	1
6	(16) Duval.....	<u>14</u> <del>13</del>
7	(17) Escambia.....	5
8	(18) Flagler.....	1
9	(19) Franklin.....	1
10	(20) Gadsden.....	1
11	(21) Gilchrist.....	1
12	(22) Glades.....	1
13	(23) Gulf.....	1
14	(24) Hamilton.....	1
15	(25) Hardee.....	1
16	(26) Hendry.....	1
17	(27) Hernando.....	1
18	(28) Highlands.....	1
19	(29) Hillsborough.....	<u>14</u> <del>13</del>
20	(30) Holmes.....	1
21	(31) Indian River.....	2
22	(32) Jackson.....	1
23	(33) Jefferson.....	1
24	(34) Lafayette.....	1
25	(35) Lake.....	2
26	(36) Lee.....	6
27	(37) Leon.....	4
28	(38) Levy.....	1
29	(39) Liberty.....	1
30	(40) Madison.....	1
31	(41) Manatee.....	3

1	(42)	Marion.....	3
2	(43)	Martin.....	2
3	(44)	Monroe.....	4
4	(45)	Nassau.....	1
5	(46)	Okaloosa.....	2
6	(47)	Okeechobee.....	1
7	(48)	Orange.....	14
8	(49)	Osceola.....	3
9	(50)	Palm Beach.....	17
10	(51)	Pasco.....	3
11	(52)	Pinellas.....	13
12	(53)	Polk.....	<u>76</u>
13	(54)	Putnam.....	1
14	(55)	St. Johns.....	2
15	(56)	St. Lucie.....	3
16	(57)	Santa Rosa.....	2
17	(58)	Sarasota.....	4
18	(59)	Seminole.....	5
19	(60)	Sumter.....	1
20	(61)	Suwannee.....	1
21	(62)	Taylor.....	1
22	(63)	Union.....	1
23	(64)	Volusia.....	9
24	(65)	Wakulla.....	1
25	(66)	Walton.....	1
26	(67)	Washington.....	1

27 Section 3. The judges filling new offices created by  
28 this act shall be appointed and shall take office on April 1,  
29 1999.

30 Section 4. Section 318.32, Florida Statutes, is  
31 amended to read:

1           318.32 Jurisdiction; limitations.--

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

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

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

14           (c) Hear a criminal traffic offense case or a case  
15 involving a civil traffic infraction issued in conjunction  
16 with a criminal traffic offense.

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

20           (3) Upon the request of the defendant contained in a  
21 Notice of Appearance or a written plea, the case shall be  
22 assigned to a county court judge regularly assigned to hear  
23 traffic matters.

24           Section 5. Section 318.37, Florida Statutes, is  
25 amended to read:

26           318.37 Funding.--In any county electing to establish a  
27 Civil Traffic Infraction Hearing Officer Program under ss.  
28 318.30-318.38 the court shall develop a plan for its  
29 implementation and shall submit the plan to the Office of the  
30 State Courts Administrator. The state shall provide annual  
31 funds on a 50-50 matching basis to establish the Civil Traffic

1 Infraction Hearing Officer Program in any county with three or  
2 more county judges. The maximum annual matching grant for any  
3 county participating in the program shall be determined by  
4 dividing the number of county judges in the county by five and  
5 multiplying the result by \$25,000.Funds for the program are  
6 to be used for hearing officer salaries, which may not exceed  
7 \$50 per hour, and other necessary expenses such as hearing  
8 officer training, office rental, furniture, and administrative  
9 staff salaries. The state matching funds shall be paid to the  
10 county as a grant-in-aid in accordance with policies necessary  
11 to implement this section established by the Office of the  
12 State Courts Administrator.Any county electing to establish  
13 such a program shall provide such other ~~the~~ funds as are  
14 necessary to operate the program.

15 Section 6. A total of \$725,000 in recurring funds and  
16 one FTE is hereby appropriated in lump sum in the administered  
17 funds budget of the judicial branch to implement the  
18 provisions of section 5 of this act.

19 Section 7. A total of \$75,000 in recurring funds is  
20 hereby appropriated in lump sum in the administered funds  
21 budget of the judicial branch to contract for the development  
22 of a Delphi-based caseload weighting system to determine the  
23 optimum caseloads for circuit and county court judges and, in  
24 conjunction with other factors, to determine the need for  
25 additional circuit and county court judges. The judicial  
26 branch shall consult with the Office of Program Policy  
27 Analysis and Government Accountability on defining the scope  
28 of work, selecting a consultant, and choosing a methodology  
29 for developing caseload weights and determining available  
30 judge time. The Office of Program Policy Analysis and  
31 Government Accountability shall issue a report not later than

1 February 1, 1999, on the development of caseload weights and  
2 their use in the judicial certification process.

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

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8 HOUSE SUMMARY

9  
10 Increases the number of circuit court judges in the  
11 Third, Fourth, Sixth, Ninth, Tenth, Twelfth, Thirteenth,  
12 Seventeenth, Eighteenth, Nineteenth, and Twentieth  
13 Judicial Circuits and increases the number of county  
14 court judges in Broward, Duval, Hillsborough, and Polk  
15 Counties. Provides that such judges shall be appointed  
16 and take office on April 1, 1999.

17 Revises duties of traffic infraction hearing officers to  
18 provide that such hearing officers shall hear cases  
19 involving accidents which result in injury. Provides for  
20 annual funding of the Civil Traffic Infraction Hearing  
21 Officer Program in specified counties, and provides an  
22 appropriation to implement such programs. Provides an  
23 appropriation for the development of a caseload weighting  
24 system to determine optimum caseloads for circuit and  
25 county court judges and to determine the need for  
26 additional judges.  
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