

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1334

SPONSOR: Senator Grant

SUBJECT: Judiciary/Number of Judges Increased

DATE: March 10, 1999

REVISED: 03/11/99

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Johnson	JU	Fav/1 Amendment
2.			FP	
3.				
4.				
5.				

I. Summary:

The bill authorizes the one district court of appeals judge, the 25 circuit court and the 6 county court judges certified by the Supreme Court of Florida and provides that the judges filling the new offices created by the bill will be appointed and will take office July 1, 1999.

This bill substantially amends sections 26.031, 34.022, and 35.06 of the Florida Statutes.

II. Present Situation:

The Florida Constitution provides that if the Supreme Court finds that a need exists for increasing or decreasing the number of judges, except Supreme Court justices, it shall certify to the Legislature its findings and recommendations concerning such need. s. 9, Art. V, Fla. Const. Upon receipt of the certificate, the Legislature, at the next regular session, must consider the court's findings and recommendations and may reject them, in whole or in part, or may implement them. Id. The Legislature may deviate from the Supreme Court's recommendations with respect to an increase or decrease in the number of judicial offices only upon a finding of two-thirds of the membership of both houses that such need exists. Id.

Currently, there are 61 district court of appeal judges, 468 circuit court judges and 263 county court judges.

III. Effect of Proposed Changes:

Listed below are the number of judges certified by the Supreme Court for fiscal year 1999-2000, all of which are proposed by the bill.

Fifth District Court of Appeal	1
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Circuit Courts		County Courts	
First	1		
Second	1	Leon	1
Third	1		
Fourth	1	Duval	1
Fifth	2		
Sixth	2		
Seventh	1	Putnam	1
Eighth	1		
Ninth	2		
Tenth	1	Polk	2
Eleventh	1		
Twelfth	1		
Thirteenth	2	Hillsborough	1
Fifteenth	1		
Seventeenth	3		
Eighteenth	1		
Nineteenth	2		
Twentieth	1		
Totals	25		6

The effective date of the new judgeships is July 1, 1999, which will create the judicial vacancies in mid-term, accordingly, pursuant to s. 11, Art. V, Fla. Const., the new judges would be appointed.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Although the salaries and benefits of the 18 positions created by the bill are paid by the state, counties may incur expenses for the impact of the new circuit and county court positions. The Florida Constitution as amended November 1998, requires the counties to fund communications services and the cost of facilities including construction or lease, maintenance, utilities, and security. s.14, Art. V, Fla. Const. The amount is indeterminate as it has not been determined what facilities are currently available.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Office of the State Court Administrator, creation of the 32 new judicial positions would require the creation of a total of 75 positions, including 1 district court of appeals judge, 1 appellate judicial assistant, 2 appellate law clerks, 25 circuit judges, 25 circuit judicial assistants, 6 county judges, 6 county judicial assistants, and 9 trial court law clerks. The 9 trial court law clerks are necessary to comply with the standard work load formula of 3 circuit judges for every 1 law clerk. One law clerk will be funded in each of the First, Sixth, Eighth, Ninth, Eleventh, Thirteenth, Fifteenth, Seventeenth, and Nineteenth judicial circuits. The total cost of creating these 75 positions beginning July 1, 1999, would be \$7,321,470 for the period July 1, 1999 to June 30, 2000. Based on 3% cost of living increases the cost for FY 2000/01 is projected to be \$7,021,783 and the cost for FY 2001/02 is projected to be \$7,219,262.

The fiscal impact of the bill on counties cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:**A. Threshold for Circuit Court Judges**

The Florida Supreme Court uses 1,865 unweighted case filings per circuit judge as the threshold beyond which it presumes there is a need for an additional judge in a circuit. *See Amendment to Fla. R. Jud. Admin. 2.035*, No. 86,880 (Fla. Sup. Ct. Dec. 21, 1995). To calculate the number of projected case filings per judge in a circuit in a future year, the total number of case filings projected for the year is divided by the number of circuit judges in the circuit.

The Supreme Court has certified the need for additional circuit judges in eighteen circuits. *In re Certification of the Need for Additional Judges*, No. 94,890 at 6 (Fla. Sup. Ct. Feb. 18, 1999). Ten of the courts certified by the Supreme Court as needing one or more additional judges are projected to exceed the 1,865 filings per judge threshold in 1999. *Id.* at 7. “The First, Fourth, Seventh, Eighth, Eleventh, Thirteenth, Fifteenth, and Seventeenth judicial circuits . . . are expected to have 1999 workloads slightly below the threshold.” *Id.* at 8. Additional factors considered in certifying these judges were the significant workload impact of domestic violence cases, the “Jimmy Ryce Act,” and significant changes in the child welfare system including an increase in foster care cases. *Id.* at 7. The Court has also stated in additional rational that specific factors considered for the eight circuits not exceeding the cap included, geographic size of the circuit and the number of courthouse facilities, limited senior judge availability, complexity of cases, foreign language interpretation, and significant post judgment litigation.

B. Threshold for County Court Judges

In December 1995, the Supreme Court formally adopted the 6,114 filings per county judge threshold. *Amendment to Fla. R. Jud. Admin. 2.035*, No. 86,880 at 4 (Fla. Sup. Ct. Dec. 21, 1995). All of the counties for which a need was certified are projected to meet this threshold. *In re Certification of the Need for Additional Judges*, No. 94,890 at 8 (Fla. Sup. Ct. Feb. 18, 1999).

C. Review of Methodology

In compliance with proviso language in the FY 1998/99 General Appropriations Act, the Office of the State Courts Administrator issued an RFP for a consultant to assist the court in developing a Delphi based weighted caseload method for assessing judicial workload and the certification of the need for additional judges. There was no responsive bidder to the RFP and the consultants making proposals indicated that the work requested could not be performed in the time allotted or within the budget allocated. The Court then consulted with the National Center for State Courts and based on a proposal from the center requested an extension of time for completion of the project and the approval of additional funding. The courts have contracted with the center for the initial development of the Delphi case weighting project and have requested funding for the completion of the project during the 1999/00 fiscal year. The courts’ Delphi Policy Committee

had its first meeting February 3-5, 1999. The estimated cost for the completed study is \$251,000 plus judicial time required for the project.

VIII. Amendments:

#1 by Judiciary:

Changes the date that the new judges would take office from the first Tuesday in July 1999 to October 1, 1999. This will change the cost of 1999 implementation to \$5,723,742.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
