

STORAGE NAME: h2275z.jud
DATE: May 17, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
JUDICIARY
FINAL ANALYSIS**

BILL #: HB 2275 (PCB JUD 00-11)
RELATING TO: Trial Court Jurisdiction
SPONSOR(S): Committee on Judiciary and Rep. Byrd
TIED BILL(S): None

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

- (1) JUDICIARY YEAS 8 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends the jurisdictional responsibilities of the county and circuit courts for both civil and criminal cases.

County court jurisdiction in criminal matters will be increased to include third degree felonies for a fourth or subsequent DUI violation as provided by s. 316.193, F.S. These felony DUI cases are currently under circuit court jurisdiction.

County court jurisdiction in civil matters will be increased to include actions at law where the amount in controversy does not exceed \$25,000. Currently, the maximum amount is \$15,000. Circuit courts will maintain their exclusive jurisdiction over other matters.

The bill takes effect on July 1, 2000.

HB 2275 died in the Committee on Criminal Justice Appropriations.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Since the St. John's Constitution was ratified in 1838, Florida has been divided into judicial circuits along county boundary lines. During Florida's history, the number of judicial circuits has ranged from four to 28. There are now 20 judicial circuits. See Art. V, s. 1, Fla. Const.; s. 23.021, F.S. Since 1969, when the Legislature created the last judicial circuit, Florida's population has grown from 6.8 million to 15.2 million. There are five single-county circuits (17th-Broward, 11th-Dade, 12th-Hillsborough, 16th-Monroe and 15th-Palm Beach) and 15 multi-county circuits. In 1972, substantive changes to Article V of the Florida Constitution simplified the organization of the judiciary by reducing the number of courts to four levels: a supreme court, district courts of appeal, circuit courts and county courts. Those constitutional changes created Florida's two-tier trial court system, requiring a circuit court in each judicial circuit and a county court in each county with at least one resident judge within the county. See Art. V, ss 5 and 6, Fla. Const. The operational aspects of Florida's two-tier trial court system actually resemble those of a one-tier trial court system. That is, a chief judge is designated within each judicial circuit to be responsible for the assignment of all judges and for the administrative oversight of the circuit and county courts within the judicial circuit. See Fla. R. Jud. Admin. 2.050. There is also a clerk of the circuit court, who as an elected officer serves a four-year term and also serves as the clerk of the county. See Art. V, s. 16, Fla. Const. The Florida Constitution and the statutes set forth the trial courts' jurisdictions. When Article V was amended in 1972, transitional jurisdictional provisions remained in effect until changed by law consistent with the new constitutional amendments. Judicial powers are vested solely in the courts. See Art. V., s. 1, Fla. Const. However, quasi-judicial powers can be granted to commissions established by law, administrative officers and administrative bodies, provided the powers are related to "matters connected with the functions of their offices."

The jurisdictional amount for actions at law in county courts have been raised three times in the last twenty years. In 1980, the jurisdictional amount was raised from \$2,500 to \$5,000. In 1990 the amount was raised to \$10,000 and in 1992 the amount was raised again to its current level of \$15,000. According to the State Courts Administrator's Office, a pattern has emerged after each increase in jurisdictional amount. At first, there is a marked increase in the number of cases filed in county court. Then, that increase disappears as attorneys try to reach the circuit court jurisdictional limit with more of their cases. The circuit courts will usually notice these efforts and apply heavier scrutiny to cases that do not seem to meet the new jurisdictional threshold and will transfer the appropriate cases to county court. This cycle of increasing and decreasing filings in county court after a change in the jurisdictional amount usually lasts about two years. After two years, the filings seem to return to the same ratio between county and circuit courts as they were before the jurisdictional increase.

Since July 1, 1992, county courts have had jurisdiction over actions at law where the matter in controversy does not exceed \$15,000, exclusive of interest, costs and attorney's fees, except those within the exclusive jurisdiction of the circuit courts.

In criminal cases, county courts have jurisdiction in all misdemeanor cases not cognizable by the circuit courts. That includes all DUI cases that are filed as misdemeanors. In 1998, according to FDLE, county courts convicted 45,522 people in Florida of misdemeanor DUI. Currently, unless a DUI defendant seriously injures another person, that defendant is not guilty of felony DUI until his fourth conviction. In 1998, according to the FDLE, 1,944 people in Florida were convicted of DUI for a fourth time or more and sentenced as felons.

C. EFFECT OF PROPOSED CHANGES:

This bill amends s. 34.01, F.S. to increase the jurisdictional responsibilities of the county court in both criminal and civil matters. The bill also amends s. 26.012, F.S. to lessen the jurisdictional responsibilities of the circuit courts in both criminal and civil matters to allow for the increased jurisdictional responsibilities of the county courts.

In criminal matters, county courts would now hear all felony DUI cases that are filed against defendants under s. 316.193(2)(b), F.S, for a fourth or subsequent DUI violation. Circuit courts would now only hear these matters in cases where the fourth or subsequent DUI violation arose out of the same circumstances as another felony which is also charged.

In civil matters, county courts would now hear all actions at law where the amount in controversy did not exceed \$25,000 exclusive of interest, costs and attorney's fees, except those within the exclusive jurisdiction of the circuit courts. This would be an increase of \$10,000 in the jurisdictional amount of the county courts. Circuit courts would retain their original and exclusive jurisdiction over matters such as probate, juveniles, tax assessment, ejectment, title and boundaries to real property.

Circuit courts have jurisdiction of appeals from county courts under s. 26.012, F.S. Circuit courts will now hear any appeals of convictions for felony DUI for a fourth or subsequent DUI violation. These appeals are currently heard by the District Courts of Appeal.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

According to the information provided by FDLE for 1998, the jurisdictional change allowing county courts to hear felony DUI cases involving a fourth or subsequent conviction would shift 1,944 cases statewide from circuit to county court. The workload impact on the county court is difficult for the courts to determine, but using the Delphi-based Weighted Caseload Project calculations, the mean time for each DUI case is 88 minutes. Assuming that the cases would be fairly distributed across the state, the courts estimate that there would be a minimal need for new county court judgeships to handle the increased caseload.

Some of the felony DUI cases for a fourth or subsequent DUI violation will be appealed to circuit courts, but the courts are unable to estimate the number with the information that they have. According to the State Courts Administrator's Office, this increase in the appellate caseload for circuit courts should be more than offset by the decrease in caseload experienced by transferring jurisdiction over these same matters at the trial level to the county courts.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require the city or county to spend funds or to take any action requiring the expenditure of any funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of any city or county.

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

This bill does not reduce the amount of state tax shared with any city or county.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

This bill is silent on the issue of whether appeals of convictions for felony DUI cases for a fourth or subsequent violation will be heard by the circuit courts or by the DCAs. If no action is taken in this bill, the appeals of these cases will be heard by the circuit courts.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUDICIARY:

Prepared by:

David R. Westcott, J.D.

Staff Director:

P.K. Jameson, J.D.

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON JUDICIARY:

Prepared by:

David R. Westcott, J.D.

Staff Director:

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