

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1444

SPONSOR: Senator Burt

SUBJECT: Judiciary/ Number Increases

DATE: April 8, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Johnson	JU	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes the 30 circuit court and the 14 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 January 2, 2002.

This bill substantially amends sections 26.031 and 34.022 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 493 circuit court judges and 269 county court judges.

This is only the second year that the court has based the certification request for new judges on a methodology using case weights and calculation of available judicial time to determine the need for additional trial judges. In 1998 the Legislature through proviso language requested the Supreme Court to examine the certification process to develop a Delphi base methodology. The 2000 certification request was based on that methodology but was not funded by the Legislature.

The certification for this year was again based on the methodology developed during 1998 and 1999.

III. Effect of Proposed Changes:

Listed below are the numbers of judges certified by the Supreme Court for fiscal year 2001-2002, all of which are proposed by the bill.

Circuit Courts		County Courts	
First	1	Brevard	1
Second	1	Broward	2
Fourth	2	Duval	2
Fifth	2	Hillsborough	2
Sixth	2	Lee	1
Seventh	1	Okaloosa	1
Ninth	3	Orange	1
Tenth	2	Pasco	1
Eleventh	3	Pinellas	1
Thirteenth	2	Polk	1
Fifteenth	2	Sarasota	1
Seventeenth	5		
Eighteenth	2		
Twentieth	2		
Totals	30		14

The effective date of the new judgeships is January 2, 2002, which will create the judicial vacancies in mid-term of the budget cycle, 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 44 judicial positions created by the bill and the 56 support positions 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.

Detailed definitions of those items are provided in s. 29.008, F. S. The county funding for those items not currently funded by the counties, such as computer equipment, is to begin July 1, 2001. 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:

The addition of 44 judges should allow issues before the courts in the impacted circuits and counties to be addressed more expeditiously.

C. Government Sector Impact:

According to the Office of the State Courts Administrator, creation of the 44 new judicial positions would require the creation of a total of 100 positions, including 30 circuit judges, 30 circuit judicial assistants, 14 county judges, 14 county judicial assistants, and 12 trial court law clerks. The 12 trial court law clerks are necessary to comply with the standard workload formula of 1 law clerk for every 3 circuit judges. Fiscal information from the Office of the State Courts Administrator indicates the cost for the additional positions and the associated expense and OCO funding is \$5,935,427 for the six months in FY 2001-2002 and \$9,748,653 per year for FY's 02-03 and 03-04. The Senate budget contain an appropriation of \$5,548,727 for these positions.

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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