

STORAGE NAME: H0005.sgc.doc
DATE: March 26, 2001

HOUSE OF REPRESENTATIVES
COUNCIL FOR SMARTER GOVERNMENT
ANALYSIS

BILL #: HB 0005
RELATING TO: Retired Judges
SPONSOR(S): Representative Heyman

TIED BILL(S):

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

- (1) JUDICIAL OVERSIGHT YEAS 10 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT YEAS 7 NAYS 4
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The chief justice of the Supreme Court of Florida can appoint retired justices or judges to serve in judicial positions on a temporary basis. Retired justices or judges are paid not less than \$200 per day for their service. Currently, in order to be compensated for service as a retired justice or judge, the justice or judge must not have been defeated or have not failed to have been retained in the justice or judge's last judicial office. HB 5 changes that requirement and permits any justice or judge who has served in a judicial office for ten or more years and meets other requirements as set forth by the Supreme Court of Florida to be compensated for service as a retired justice or judge.

The Office of State Court Administrator states the bill will have no fiscal impact since it does not revise compensation rates for retired justices or judges.

The bill takes effect on July 1, 2001.

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"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Article 5, Section (2)(b), Florida Constitution and Florida Rule of Judicial Administration 2.030(a)(3)(A) permit the chief justice of the Supreme Court to temporarily assign retired justices or judges to any court which they are qualified to serve. Florida Rule of Judicial Administration 2.030(a)(3)(B) defines a retired judge as a judge who is not engaged in the practice of law and who has been a judicial officer of this state. Retired judges must comply with continuing judicial education requirements, including completion of 30 hours of approved judicial education programs every three years. See Fla.R.Jud.Admin. 2.150.

Retired judges may receive compensation as set by law. See Fla.R.Jud.Admin. 2.030(a)(3)(A). Currently, compensation for retired justices or judges is set at not less than \$200 per day. See s. 25.073(2)(a), F.S. In addition, retired justices or judges are entitled to necessary travel expenses pursuant to section 25.073(2)(b), Florida Statutes. Section 25.073(1), Florida Statutes, defines retired justice or judge as a former justice or judge who is not engaged in the practice of law and who has not been defeated in seeking reelection to, or has not failed to be retained in seeking retention in his or her last judicial office.

C. EFFECT OF PROPOSED CHANGES:

The bill would amend section 25.073, Florida Statutes, and alter the requirements for compensating retired justices or judges for their service. Under the bill, in order to be compensated for service as a retired justice or judge, the justice or judge must have served in a judicial office for a minimum of ten years and meet other criteria set forth by the Florida Supreme Court. This change would permit judges with more than 10 years of experience to be compensated for serving as a retired justice or judge even if that justice or judge was defeated or failed to be retained in his or her last election campaign.

The Office of State Court Administrator (OSCA) states that the bill will have no fiscal impact since it does not change the compensation rate for retired justices or judges. Further, according to information collected by OSCA, the average justice or judge serves 18 years. Therefore, requiring 10 years of judicial service should not cause a reduction in the number of judges eligible for service and would allow a judge defeated in his or her last election to be compensated for service as a retired judge if the judge meets the other requirements as set forth by the Supreme Court.

The bill would be effective July 1, 2001.

D. SECTION-BY-SECTION ANALYSIS:

See Section II C. Effect of Proposed Changes

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The bill does not change the compensation rate for retired justices or judges so there should be no fiscal impact.

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:

The bill should have no fiscal impact since it does not alter the compensation rates for retired justices or judges.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

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

The bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON JUDICIAL OVERSIGHT:

Prepared by:

Staff Director:

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AS REVISED BY THE COUNCIL FOR SMARTER GOVERNMENT:

Prepared by:

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