

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

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|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

HB 1849 authorizes fourteen new circuit judges, effective January 4, 2005: 1 in the Fourteenth Judicial Circuit, 2 each in the Seventeenth and Twentieth Judicial Circuits, and 3 each in the Eleventh, Thirteenth, and Nineteenth Judicial Circuits. Fifteen new circuit judges are authorized, effective April 1, 2005: 1 each in the First, Third, Fourth, Seventh, Eighth, Tenth, and Fifteenth Judicial Circuits, 2 in the Sixth Judicial Circuit, and 3 each in the Fifth and Ninth Judicial Circuits.

The bill authorizes nine new county court judges, effective January 4, 2005: 1 each in Bay, Brevard, Broward, Collier, Martin, Miami-Dade, and St. Lucie counties, and 2 in Hillsborough County. Nine new county court judges are authorized, effective April 1, 2005: 1 each in Columbia, Duval, Marion, Orange, Pasco, Pinellas, and Volusia Counties, and 2 in Palm Beach County.

A new Sixth Appellate District is created, comprised of the Tenth, Twelfth, and Twentieth circuits. The First and Third districts remain the same, while the Second, Fourth, and Fifth will be composed as follows:

Second Appellate District: Fifth, Sixth, and Thirteenth Judicial Circuits

Fourth Appellate District: Fifteenth and Seventeenth Judicial Circuits

Fifth Appellate District: Seventh, Ninth, Eighteenth, and Nineteenth Judicial Circuits.

The headquarters of the Second Appellate District is relocated to the Thirteenth Judicial Circuit in Hillsborough County. The headquarters of the Sixth Appellate District is in the Tenth Judicial Circuit in Lakeland, Polk County.

The number of judges certified for the First and Third Districts remains the same at 15 and 11, respectively. Effective January 4, 2005, HB 1849 changes the number of judges in the Second Appellate District from 14 to 11, in the Fourth Appellate District from 12 to 11, and in the Fifth Appellate District from 10 to 11. The bill certifies 7 judges for the Sixth District. Statewide, this new configuration will amount to four additional judges for the District Courts of Appeal.

The bill provides that the new district will be controlled by case law as established by Supreme Court rule.

HB 1849 transfers seats among the districts of the judicial nominating commissions as made necessary by the creation of the Sixth District Court of Appeal.

The bill makes clear that its terms will not affect any currently seated justice and only when there is a vacancy in the Supreme Court, must it be filled to ensure that at least one justice was appointed to the court from each appellate district as required by Article V, Section 3(a) of the state constitution.

A clause is included that specifies that the entire act becomes invalid if any of the provisions relating to the creation of the Sixth District are held to be invalid.

C. SECTION DIRECTORY:

- Section 1. Amends s. 26.031, F.S., certifying new circuit judges effective January 4, 2005.
- 1, Section 2. Amends different sections of s. 26.031, F.S., certifying new circuit judges effective April 2005.
- Section 3. Amends s. 34.022, F.S., certifying new county court judges effective January 4, 2005.
- Section 4. Amends different sections of s. 34.022, F.S., certifying new county court judges effective April 1, 2005.
- Section 5. Amends s. 35.01, F.S., to create a Sixth Appellate District.
- Section 6. Amends s. 35.03, F.S., relating to the composition of the Second Appellate District.
- Section 7. Amends s. 35.042, F.S., relating to the composition of the Fourth Appellate District.
- Section 8. Amends s. 35.043, F.S., relating to the composition of the Fifth Appellate District.
- Section 9. Amends s. 35.044, F.S., relating to the composition of the Sixth Appellate District.
- Section 10. Amends s. 35.05, F.S., relating to headquarters of the appellate districts.
- Section 11. Amends s. 35.06, F.S., certifying new judges in the district courts of appeal.
- Section 12. Provides that the new Sixth District Court of Appeal will be controlled by case law as established in rule of the Supreme Court.
- Section 13. Creates subsection (8) of s. 43.291, F.S., relating to judicial nominating commissions.
- Section 14. States that the provisions of this bill shall not affect the seat of any currently sitting Justice.
- Section 15. Provides that new positions created by this act shall be appointed by the Governor.
- Section 16. States that if certain sections of this bill are ever held to be invalid, the remaining provisions of the act shall also be deemed invalid.
- Section 17. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Establishing these 51 additional judgeships will cost the state \$4.7 million in FY 2004-2005. Additional costs associated with operating a new district court of appeal are estimated at \$2.5 million.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

These costs are contemplated in the proposed House general appropriations act, HB 1835.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to affect municipal or county government.

2. Other:

The Florida Constitution establishes a procedure for increasing the number of judicial districts. Art. V, s. 9, Florida Constitution. Since the Court has not undertaken the initial step of adopting a rule establishing uniform criteria for determining the necessity of increasing, decreasing, or redefining appellate districts and judicial circuits, the Legislature is precluded from following the established procedures.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES