

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 263 CS Judiciary

SPONSOR(S): Kyle and others

TIED BILLS: IDEN./SIM. BILLS: SB 600

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Justice Appropriations Committee	10 Y, 0 N, w/CS	Sneed	DeBeaugrine
2) Fiscal Council		Sneed	Kelly
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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SUMMARY ANALYSIS

The Supreme Court issued Order No. SC04-2154, dated November 30, 2004, certifying the need for 110 additional judges. HB 263 establishes 67 new circuit judges and 41 new county court judges for a total of 108 new judges.

Estimated annual recurring costs will be \$24.2 million. The new judges will be phased in during Fiscal Year 2005-06 at scheduled intervals. The estimated cost for Fiscal Year 2005-06 is \$12.38 million.

The House version of the General Appropriations Act authorizes General Revenue funds in the State Court System for both the circuit and county court judges and associated support staff.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

#### B. EFFECT OF PROPOSED CHANGES:

The Supreme Court of Florida issued SC04-2154 on November 30, 2004 in regards to the Certification of Need for Additional Judges. In the certification, the court recommended 67 new circuit judges, 41 new county judges and 2 new appellate judges for a total of 110 new judges.

CS/HB 263 establishes 19 new circuit judges, effective October 1, 2005: 1 each in the First, Sixth, Seventh and Ninth Judicial Circuits; 2 each in the Fifth, Tenth, Eleventh, Thirteenth, Seventeenth and Nineteenth Judicial Circuits; and 3 in the Twentieth Judicial Circuit. Effective January 1, 2006, 23 new circuit judges are established: 1 each in the First, Second, Seventh, Eighth, Fourteenth, Fifteenth and Eighteenth Judicial Circuits; and 2 each in the Fifth, Sixth, Ninth, Tenth, Eleventh, Thirteenth, Seventeenth and Nineteenth Judicial Circuits. Effective April 1, 2006, 25 circuit judges will be added: 1 each in the First, Second and Eighteenth Judicial Circuits; 2 each in Sixth, Seventh, Ninth, Thirteenth and Seventeenth Judicial Circuits; and 3 each in the Fourth, Fifth, Tenth and Eleventh Judicial Circuits. There would be a total of 67 new circuit judges.

The bill establishes 21 new county court judges, effective January 1, 2006: 1 each in Collier, Miami-Dade, Marion, Palm Beach, Pasco, Bay, Columbia, Hernando, Lake, Lee, Manatee, Martin, St. Lucie, Seminole and Volusia Counties; 2 each in Orange, Brevard, Hillsborough and Pinellas Counties; and 3 in Broward County. Effective March 1, 2006, 20 new county court judges are established: 1 each in Collier, Miami-Dade, Marion, Orange, Palm Beach and Pasco Counties; 2 each in Brevard, Hillsborough, and Pinellas Counties; and 3 in Broward County. There would be a total of 41 new county judges.

There would be a total of 108 circuit and county judges. The bill does not establish any appellate judges.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 26.031, F.S., certifying new circuit judges effective October 1, 2005.

Section 2. Amends various sections of s. 26.031, F.S., certifying new circuit judges effective January 1, 2006.

Section 3. Amends various sections of s. 26.031, F.S., certifying new circuit judges effective April 1, 2006.

Section 4. Amends s. 34.022, F.S., certifying new county court judges effective January 1, 2006.

Section 5. Amends s. 34.022, F.S., certifying new county court judges effective March 1, 2006.

Section 6. Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Establishing 108 additional judges with associated support staff is estimated to cost \$12.3 million for FY 2005-06. The annual cost will increase to \$24.2 million in FY 2006-07.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None. The cost of county judges and judicial assistants are paid for by the state.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## 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:

None.

### B. RULE-MAKING AUTHORITY:

None

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On March 29, 2005 the Justice Appropriations Committee adopted a strike-all amendment to the bill. The amendment by Reps. Mahon and Seiler, as amended, modified the total number of new judges to be established from 118 to 108 judges and revised the effective dates for the new judges.

This analysis is drafted to the committee substitute.