

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.

HB 263 establishes 27 new circuit judges, effective July 1, 2005: three each in the First and Twentieth Judicial Circuits and seven each in the Fifth, Tenth, and Eleventh Judicial Circuits. Twenty-eight new circuit judges are established, effective September 5, 2005: two each in the Second, Fourth and Eighteenth Judicial Circuits; five each in the Sixth and Ninth Judicial Circuits, and six each in the Seventh and Thirteenth Judicial Circuits. Effective November 7, 2005, 22 circuit judges will be added: one each in the Third, Eighth, Fourteenth and Fifteenth Judicial Circuits; four each in Seventh and Nineteenth Judicial Circuits; and five each in the Seventh and Ninth Judicial Circuits. There would be a total of 77 new circuit judges.

The bill establishes 21 new county court judges, effective January 2, 2006: three in Orange County; four each in Brevard, Hillsborough and Pinellas Counties; and six in Broward County. Twenty new county court judges are established, effective March 6, 2006: one each in Bay, Duval, Hernando, Lake, Lee, Manatee, Martin, St. Lucie, Seminole, and Volusia Counties; and two each in Collier, Marion, Miami-Dade, Palm Beach, and Pasco Counties. There would be a total of 41 new 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 July 1, 2005.

Section 2. Amends various sections of s. 26.031, F.S., certifying new circuit judges effective September 5, 2005.

Section 3. Amends various sections of s. 26.031, F.S., certifying new circuit judges effective November 7, 2005.

Section 4. Amends s. 34.022, F.S., certifying new county court judges effective January 2, 2006.

Section 5. Amends s. 34.022, F.S., certifying new county court judges effective March 6, 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 118 additional judgeships with associated support staff is estimated to cost \$19.7 million for FY 2005-06. The annual cost will increase to \$27.6 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:

Having additional judges should result in cases being heard more quickly.

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:

The bill provides for 118 new judgeships which is 8 more than were certified by the Supreme Court. Article V, Section 9 of the Florida Constitution provides in pertinent part:

Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES