

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 41B Judges  
**SPONSOR(S):** Goodlette  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 14B

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Fiscal Council		DeBeaugrine	Kelly
2)			
3)			
4)			
5)			

---

### SUMMARY ANALYSIS

The Supreme Court issued Order No. SC04-2154, dated November 30, 2004, certifying the need for 110 additional judges. During the 2005 Legislative Session, 35 circuit court and 20 county court judgeships were established (chapter 2005-150, Laws of Florida).

This bill revises sections 26.031 and 34.022, Florida Statutes, as amended by chapter 2005-150, Laws of Florida, creating 3 new circuit court judgeships in the Twentieth Judicial Circuit and 2 new county court judgeships in Collier County effective January 2, 2006. Judges for these new positions will be appointed by the Governor.

The bill authorizes General Revenue funds for the State Court System of \$643,372 to fund 11 positions for Fiscal Year 2005-2006. This includes the 5 new judges plus associated support staff. Estimated annual recurring costs are projected to be \$1.2 million.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Certification of Need for Additional Judges**

Section 9, Article V of the State Constitution requires the Florida Supreme Court to recommend to the Legislature the need for additional judges. The Florida Supreme Court was directed in budget proviso to the 1998 General Appropriations Act to develop "a Delphi-based case load weighting system to determine the optimum caseloads for circuit and county judges and to determine the need for additional circuit and county court judges." The system was used to develop the Court's latest certification of need for new trial court judgeships.

As a result of the last caseload analysis, the Supreme Court issued Order No. SC04-2154, dated November 30, 2004, certifying the need for 67 circuit, 41 county and 2 appellate judges for a total of 110 new judges.

The Supreme Court's Certification Order recommended 3 judges for the Twentieth Circuit and 2 judges for Collier County.

##### **2005 Legislation**

Senate Bill 2048 passed during the 2005 Legislative Session (chapter 2005-150, Laws of Florida), creating 35 new circuit court and 20 new county court judgeships. The bill staggered the effective dates: 18 circuit and 10 county judge positions were effective on November 1, 2005 and 17 circuit and 10 county judge positions are effective on January 2, 2006.

Circuit court positions were established as follows:

- Four judges each for the Tenth and Thirteenth Circuits;
- Three judges each for the Fifth, Sixth, Eleventh, Seventeenth and Nineteenth Circuits;
- Two judges each for the Seventh and Ninth Circuits;
- One judge each for the First, Second, Third, Fourth, Eighth, Fourteenth, Fifteenth and Eighteenth Circuits.

County court positions were established as follows:

- Two judges each for Broward and Hillsborough County.
- One judge each for Bay, Brevard, Duval, Hernando, Lake, Lee, Manatee, Martin, Miami-Dade, Orange, Palm Beach, Pasco, Pinellas, Seminole, St. Lucie, and Volusia Counties.

No new judges were authorized for the Twentieth Circuit or any of the counties that make up the Twentieth Circuit.

##### **Effect of This Bill**

HB 41B increases the number of circuit judges for the Twentieth Circuit from 23 to 26 and increases the number of county court judges for Collier County from 3 to 5. The bill also authorizes 11 positions and provides \$643,372 from the General Revenue Fund to the State Courts System to cover the cost of the judges and associated supported staff. Support staff consists of a law clerk and 3 judicial assistants for the circuit and 2 judicial assistants for the county. Judges will be appointed by the Governor and take office on January 2, 2006.

C. SECTION DIRECTORY:

- Section 1. Amends section 26.031, Florida Statutes, as amended by section 2 of chapter 2005-150, Laws of Florida, providing for 3 new circuit judges for the Twentieth Circuit effective January 2, 2006.
- Section 2. Amends section 34.022, Florida Statutes, as amended by section 4 of chapter 2005-150, Laws of Florida, providing for 2 new county judges for Collier County effective January 2, 2006.
- Section 3. Provides that the judges filling the new offices shall be appointed by the Governor.
- Section 4. Provides the State Court System with an appropriation from the General Revenue Fund, 11 new positions and associated salary rate.
- Section 5. Provides that the act shall take effect upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides for an appropriation of \$643,372 from the General Revenue Fund to cover the cost of the 11 positions for approximately one-half of Fiscal Year 2005-2006. Subsequent annual recurring appropriations will be approximately \$1.2 million. Salary rate of 877,168 is provided to enable the courts to pay currently authorized salary amounts for judges and to authorize salaries at 10 percent above the minimum for the respective pay range for support staff.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The cost of county judges and judicial assistants are paid for by the state. Under section 29.008, Florida Statutes, counties are responsible for facilities, security, communications and information technology costs for county and circuit courts. This bill could result in additional costs in these areas. In addition, the bill could result in an increase in the workload of the clerk of the courts in the Twentieth Circuit and in Collier County.

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**

N/A