

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. A portion of the overall funding provided for increased workload for the state attorneys was set aside and allocated among the circuits based on the number of new judges authorized for each circuit. As a result, the state attorney for the Twentieth Circuit did not receive an allocation from these funds.

Effect of This Bill

HB 41B increases the number of circuit judges for the Twentieth Circuit from 23 to 25 and increases the number of county court judges for Collier County from 3 to 5. The bill authorizes 9 positions and provides General Revenue funds to the State Courts System to cover the cost of the new judges and

associated support staff. Support staff consists of a law clerk and 2 judicial assistants for the circuit court and 2 judicial assistants for the county court. Judges will be appointed by the Governor and take office on January 2, 2006.

The bill also includes 2 positions and General Revenue funds to the State Attorney in the twentieth judicial circuit for increased workload associated with the new judges.

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 2 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 9 positions, salary rate and an appropriation of \$536,132 from the General Revenue Fund for the State Court System. Provides 2 positions, salary rate and an appropriation of \$41,846 from the General Revenue Fund for the Office of the State Attorney-Twentieth Circuit.

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 a recurring appropriation to the state courts of \$515,918 and a nonrecurring appropriation of \$20,214 from the General Revenue Fund to cover the cost of the 9 new positions for one-half of Fiscal Year 2005-2006. Subsequent annual recurring appropriations will total approximately \$1.08 million. Salary rate of 705,157 is also provided.

In addition, the bill provides a recurring appropriation to the State Attorney's Office of \$41,846 from the General Revenue Fund to fund 2 positions for one-half of Fiscal Year 2005-2006. An annual recurring appropriation for the following fiscal year is estimated to be \$83,662.

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

On December 6, 2005, the House Fiscal Council adopted a strike-all amendment. The amendment revised the positions in the original bill as follows:

- reduced the number of new circuit judges for the Twentieth Circuit from 3 to 2;
- reduced court-related support staff to align with the revised number of circuit judges; and
- added 2 positions in the Office of the State Attorney for the Twentieth Circuit effective January 2, 2006 to handle the projected workload resulting from the increase in circuit and county judges.

Although the total number of positions remains at 11 full-time equivalent positions, the change in the type and pay grade of the positions resulted in a decrease in the total General Revenue appropriation from \$643,372 to \$577,978 and a corresponding decrease in salary rate from 877,168 to 763,948.

The bill, as amended, was made a committee substitute. This analysis reflects the adjustments in the strike-all amendment.