

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 113 CS Judges
SPONSOR(S): Negron and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 364, SB 766

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Judiciary Appropriations Committee	4 Y, 0 N, w/CS	Brazzell	DeBeaugrine
2) Judiciary Committee	12 Y, 0 N	Thomas	Hogge
3) Fiscal Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Supreme Court issued Order No. SC05-2120, dated December 15, 2005, certifying the need for a total of 66 additional appellate, circuit, and county judges.

HB 113 CS establishes 2 new appellate judgeships, 24 new circuit judgeships, and 40 new county court judgeships, for a total of 66 new judgeships. The new judgeships will be established in two phases, the first beginning September 1, 2006, and the second beginning December 1, 2006.

The estimated annual recurring cost to the state is \$16.1 million. For Fiscal Year 2006-07, the CS provides recurring appropriations for Fiscal Year 2006-07 of \$11.6 million and nonrecurring appropriations of \$385,448. The CS also authorizes 149.0 FTE and associated rate.

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:

The Supreme Court of Florida issued SC05-2120 on December 15, 2005, in regard to the Certification of Need for Additional Judges. In the certification, the court recommended 2 new appellate judges, 40 new circuit judges, and 24 new county court judges, for a total of 66 new judges.

HB 113 CS establishes, effective September 1, 2006:

- 2 new appellate judgeships, one each in the 2nd and 4th District Courts of Appeals.
- 20 new circuit judgeships: 1 each in the First, Second, Fourth, Sixth, Seventh, Ninth, Tenth, Twelfth, Fourteenth, Seventeenth, Eighteenth, and Nineteenth Judicial Circuits; and 2 each in the Fifth, Eleventh, Thirteenth, and Twentieth Judicial Circuits.
- 11 new county court judgeships: 1 each in Charlotte, Collier, Orange, and Pasco Counties; 2 each in Brevard and Pinellas Counties; and 3 in Broward County.

Effective December 1, 2006, the bill establishes:

- 20 new circuit judgeships: 1 each in the First, Seventh, Tenth, and Twelfth Circuits; and 2 each in the Fourth, Fifth, Ninth, Eleventh, Thirteenth, and Seventeenth Circuits; and 4 in the Twentieth Circuit.
- 13 new county court judgeships: 1 each in Brevard, Miami-Dade, Duval, Lee, Marion, Orange, Osceola, Palm Beach, Pasco, Pinellas, and Polk Counties; and 2 in Broward County.

Accordingly, the bill establishes a total of:

- For circuit judgeships, 1 each in the Second, Sixth, Fourteenth, Eighteenth, and Nineteenth Circuits; 2 each in the First, Seventh, Tenth, and Twelfth Circuits; 3 each in the Fourth, Ninth, and Seventeenth Circuits; 4 each in the Fifth, Eleventh, and Thirteenth Circuits; and 6 in the Twentieth Circuit.
- For county judgeships, 1 each in Charlotte, Collier, Miami-Dade, Duval, Lee, Marion, Osceola, Palm Beach, and Polk Counties; 2 each in Orange and Pasco Counties; 3 each in Brevard and Pinellas Counties; and 5 in Broward County.

C. SECTION DIRECTORY:

Section 1. Amends s. 26.031, F.S., establishing new circuit judgeships effective September 1, 2006.

Section 2. Amends s. 34.022, F.S., establishing new county court judgeships effective September 1, 2006.

Section 3. Amends s. 26.031, F.S., establishing new circuit judgeships effective December 1, 2006.

Section 4. Amends s. 34.022, F.S., establishing new county court judgeships effective December 1, 2006.

Section 5. Amends s. 35.06, F.S., establishing new appellate judgeships effective September 1, 2006.

Section 6. Authorizes positions and approved salary rate and provides appropriations.

Section 7. Provides an effective date.

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 \$11.6 million and a nonrecurring appropriation of \$385,448 from the General Revenue Fund to cover the cost of 149 new positions, including judges, judicial assistants, and law clerks; associated expenses; Operating Capital Outlay (OCO); and special category expenses for a portion of Fiscal Year 2006-2007. Subsequent required annual recurring appropriations total approximately \$16.1 million. The bill also provides salary rate of 11,897,925.

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 s. 29.008, F.S., 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.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its March 10, 2006, meeting, the Judiciary Appropriations Committee approved a strike-all amendment which conformed HB 113 to the Supreme Court's December 15, 2005, judicial certification order. The amendment increased the total number of judgeships established from 55 to 66. It also established certain judgeships beginning September 1, 2006, with the remainder established beginning December 1, 2006. The amendment also added language appropriating funds and authorizing positions and rate.