

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 221 County-Funded Court Employees
SPONSOR(S): Anderson; Baxley
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 448

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Courts</u>	<u>6 Y, 0 N</u>	<u>Larson</u>	<u>Bond</u>
2) <u>Safety & Security Council</u>	<u>13 Y, 0 N, As CS</u>	<u>Larson</u>	<u>Havlicak</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Counties are authorized to provide additional court-related employees for the benefit of the local courts.

The bill requires counties to provide benefits to such county-funded court employees in the same manner as other county employees. Additionally, the county is considered the employer of county-funded employees for purposes of Unemployment Compensation Law and specified provisions of the Workers' Compensation Law. The bill allows county-funded court employees to be aggregated with other county employees for purposes of a flexible benefits plan.

This bill does not appear to have a fiscal impact on state or local governments.

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:

Present Situation

Currently, a county and the chief judge of that county's judicial circuit may enter into an agreement for the county funds personnel to assist in the operation of the court. Any such agreement must provide:

- Funding for the personnel positions is provided on at least a court fiscal year basis;
- Personnel who are funded under the agreement are employees of the judicial circuit and are hired, supervised, managed, and fired by personnel of that judicial circuit; and
- Positions terminate upon the expiration or substantial breach of the agreement or upon expiration of county funding for those positions.

The state is not obligated to fund these positions.

Proposed Changes

This bill provides that county-funded court employees are considered employees of the county, but are hired, supervised, managed, and fired by personnel of the judicial circuit.

This bill requires that the county is considered the employer for purposes of the s. 440.10, F.S., of the Workers' Compensation Law and Chapter 443, F.S. of the Unemployment Compensation Law of such county-funded court employees. Such county-funded court employees may also be aggregated with other county employees for purposes of a flexible benefits plan pursuant to section 125 of the Internal Revenue Code.¹

C. SECTION DIRECTORY:

Section 1 amends s. 29.0081, F.S., relating to county funding of additional court personnel.

Section 2 provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹ Section 125 of the Internal Revenue Code provides for "Cafeteria Plans".

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill only applies to counties that elect to provide court-related employees, and thus does not require spending at the local level.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

This bill has been approved by both Pinellas County officials and the Sixth Judicial Circuit and has no financial impact on the state.

The chair of the Safety & Security Council chose not to submit any further comments regarding the council substitute.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 21, 2007, the Committee on Courts adopted one amendment that removed language requiring certain benefits for county-funded court employees. The bill was then reported favorably with an amendment.