

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Judiciary Committee

BILL: SB 588

SPONSOR: Senator Crist

SUBJECT: Judges

DATE: February 19, 2007

REVISED: 02/20/07

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Merlin	Maclure	JU	Fav/1 amendment
2.			JA	
3.				
4.				
5.				
6.				

## Please see last section for Summary of Amendments

- ☒ Technical amendments were recommended  
☐ Amendments were recommended  
☐ Significant amendments were recommended

### I. Summary:

This bill creates two new district court of appeal judgeships, 22 new circuit court judgeships, and 13 new county court judgeships.

This bill substantially amends the following sections of the Florida Statutes: 26.031, 34.022, and 35.06.

### II. Present Situation:

#### 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.<sup>1</sup> In 1998, a budget proviso in the General Appropriations Act required the Court to develop “a Delphi-based case load weighting system to

<sup>1</sup> SECTION 9, ART. V, STATE CONST., provides in pertinent part:

The supreme court shall establish by rule uniform criteria for determination of the need for additional judges. . . . If the [Court] finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need.

determine the optimum caseloads for circuit and county judges and, in conjunction with other factors, to determine the need for additional circuit and county court judges.”<sup>2</sup> The resulting system was used to develop the Court’s latest request for new trial court judgeships.<sup>3</sup> For the district court of appeal judgeships, the Court relied on average case filings per judge per district court of appeal to determine two additional judges were needed – one judge each in the Second and Fourth Districts.<sup>4</sup>

As a result of that analysis, the Court:

certif[ied] the need for twenty-two new circuit court judges for Fiscal Year 2007-2008, distributed as follows:

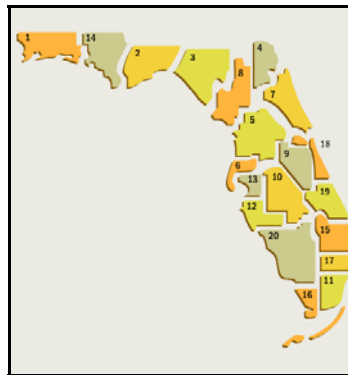
1. Six additional circuit court judges for the Fifth Judicial Circuit;
2. Three additional circuit court judges for the Seventh Judicial Circuit;
3. Two additional circuit court judges for the Fourth Judicial Circuit; and
4. One additional circuit court judge each for the Second, Sixth, Eighth, Ninth, Tenth, Thirteenth, Fourteenth, Fifteenth, Eighteenth, Nineteenth, and Twentieth judicial circuits.

Further, we certify the need for thirteen new county court judges for Fiscal Year 2007-2008, distributed as follows:

1. Four additional county court judges for Hillsborough County;
2. Two additional county court judges each for Duval and Palm Beach counties; and
3. One additional county court judge each for Brevard, Marion, Miami-Dade, Orange, and Pinellas counties.<sup>5</sup>

Figures 1. and 2. below show the geographic boundaries of each judicial circuit and district.

**Figure 1 Distribution of Circuit Courts**



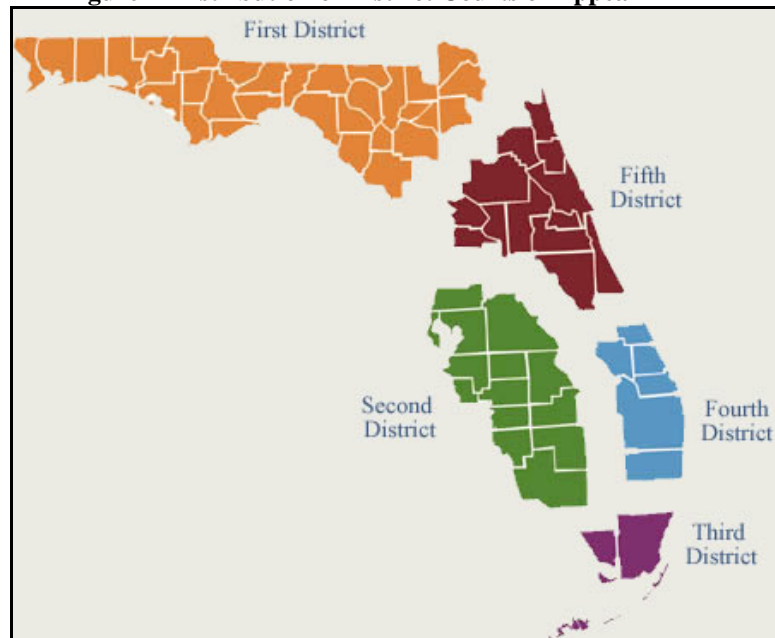
Source: Florida State Courts at [http://www.flcourts.org/courts/circuit/cir\\_dist.shtml](http://www.flcourts.org/courts/circuit/cir_dist.shtml).

<sup>2</sup> Budget proviso to Specific Appropriation 2217, ch. 98-422, L.O.F. See also DELPHI-BASED WEIGHTED CASELOAD STUDY SUMMARY (1998) (unpublished supplemental materials provided by staff of the Office of the State Courts Administrator).

<sup>3</sup> *In Re: Certification of Need for Additional Judges*, 2006 WL 3626900 (Fla. 2006).

<sup>4</sup> *Id.* at \*4.

<sup>5</sup> *Id.* at \*3.

**Figure 2 Distribution of District Courts of Appeal**

Source: Florida State Courts at [http://www.flcourts.org/courts/dca/dca\\_dist.shtml](http://www.flcourts.org/courts/dca/dca_dist.shtml).

### **III. Effect of Proposed Changes:**

This bill creates two new district court of appeal judgeships, 22 new circuit court judgeships, and 13 new county court judgeships. This bill is also consistent with the number, type, and location of the new judgeships requested by the Florida Supreme Court. See the “Present Situation” section of this staff analysis for the distribution and illustration of judgeships. The Court’s request was for the 2007-2008 fiscal year.

The bill takes effect on July 1, 2007. However, under the provisions of this bill, the judgeships shall not be effective until January 8, 2008.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

Under s. 29.008, F.S., counties are responsible for facilities costs for county and circuit courts. This bill will have an impact on counties to the extent that the additional judgeships created by the bill result in an increase in facilities costs. According to staff of the Office of the State Courts Administrator, these costs are not likely to be significant.

#### **B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Litigants may have cases resolved faster.

**C. Government Sector Impact:**

The Office of the State Courts Administrator has estimated the fiscal impact of the bill as described below:

	FY 2007-08	FY 2008-09
Judges	37	0
Total FTE	87.0	0
General Revenue (Recurring)	\$5,476,286	\$4,383,860
General Revenue (Non-Recurring)	\$ 259,949	

The total number of full-time employees (FTEs) includes judges, clerks, and support staff. Although this bill creates 37 judgeships, this bill will result in the creation of 87 FTE.

The new judges would have a fiscal impact on state attorneys, public defenders, and clerks of court as they would need additional staff for the new courts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Unlike some of the previous bills on this subject, this bill does not indicate whether circuit and county court judgeships will be appointed or elected. As a result, the Legislature may wish to specify how the new judgeships will be filled.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

**Barcode 453958 by Judiciary:** Revises the bill to account for the different effective dates within the bill. (WITH TITLE AMENDMENT)

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