

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4137 Marshal of the Supreme Court

SPONSOR(S): McBurney

TIED BILLS: None **IDEN./SIM. BILLS:** SB 962

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	15 Y, 0 N	Woodburn	Bond
2) Judiciary Committee	17 Y, 0 N	Woodburn	Havlicak

SUMMARY ANALYSIS

The Supreme Court appoints a marshal. This bill repeals the statutory requirement that requires the salary of the marshal to be set by general law.

The bill does not appear to have a fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Marshal of the Supreme Court

Section 25.251, F.S., requires the Supreme Court to appoint a marshal. Sections 25.262 and 25.271, F.S., provide that:

- The marshal has the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.
- The marshal is the custodian of the Supreme Court building and grounds.
- The marshal is responsible for security of the court.

Art. V s. 3(c) of the state constitution requires that the Supreme Court appoint a marshal and provides that the salary of the marshal "be fixed by general law."

Section 25.281, F.S., requires that the compensation of the marshal be provided by law.

Effect of the Bill

The bill repeals the statutory requirement that the compensation of the marshal be provided by law by repealing s. 25.281, F.S. This bill does not affect the constitutional requirement.

B. SECTION DIRECTORY:

Section 1 repeals s. 25.281, F.S., regarding salary of the marshal of the Supreme Court.

Section 2 provides an effective date of July 1, 2011.

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:

None.

2. Expenditures:

None.

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 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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

n/a