

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7117 PCB CVJS 11-12 Sheriffs

SPONSOR(S): Civil Justice Subcommittee, Passidomo

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Civil Justice Subcommittee	14 Y, 0 N	Billmeier	Bond
1) Judiciary Committee		Billmeier	Havlicak

SUMMARY ANALYSIS

Current law designates the sheriff as the executive officer of the circuit and county courts. This bill repeals those provisions of law. The sheriff is required to attend sessions of court pursuant to a different statutory provision so this repeal will not change the requirements that sheriffs provide security in courtrooms. Other duties which might be provided by an executive officer are provided by the Office of State Courts Administrator.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section 26.49, F.S., provides that the sheriff is the executive officer of the circuit court of the county. Section 34.07, F.S., provides that the sheriff is the executive officer of the county court. Section 30.15, F.S., provides for duties of the sheriffs, including attending all terms of the circuit court and county court held in their counties.

This bill repeals s. 26.49, F.S., and amends s. 34.07, F.S., to remove the requirement that the sheriff serve as the executive officer of the circuit and county courts. The Florida Rules of Judicial Administration provide for state court administrator to perform administrative functions for the courts. Section 30.15, F.S., provides that the sheriff will attend all terms of court so the sheriffs can continue providing security for the circuit and county courts. Florida law does not provide for other duties of the sheriff as executive officer of the circuit courts.

B. SECTION DIRECTORY:

Section 1 repeals s. 26.49, F.S., relating to the sheriff as executive officer of the courts.

Section 2 amends s. 34.07, F.S., relating to the sheriff as executive officer of the county court.

Section 3 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

The Civil Justice Subcommittee considered this bill on March 21, 2011, and adopted an amendment. The amendment removed provisions of law requiring the sheriff to act as executive officer of the county courts. The bill was reported favorably. This analysis reflects the committee substitute.