

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Judiciary Committee

BILL: SB 962

INTRODUCER: Senator Detert

SUBJECT: Marshal of the Supreme Court

DATE: March 21, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Maclure	Maclure	JU	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill repeals the statutory requirement that the compensation of the marshal of the Florida Supreme Court be provided by law.

This bill repeals section 25.281, Florida Statutes.

II. Present Situation:

Section 25.251, F.S., requires the Supreme Court to appoint a marshal, who shall hold office at the pleasure of the Court. Sections 25.262 and 25.271, F.S., provide that:

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

Article V, subsection (3)(c) of the Florida Constitution requires that the Supreme Court appoint a marshal and provides that the salary of the marshal “shall be fixed by general law.” Section 25.281, F.S., requires that the compensation of the marshal “be provided by law.”

The statutory provision appears to be unnecessary. Currently, a personnel schedule supporting preparation of the annual general appropriations act prescribes the salary associated with specific categories of state-employee positions, including the marshal of the Supreme Court.¹

III. Effect of Proposed Changes:

The bill repeals the statutory requirement, s. 25.281, F.S., that the compensation of the marshal of the Florida Supreme Court “be provided by law.” This bill does not affect the current constitutional requirement for the marshal’s compensation to be fixed by general law.²

The bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

¹ The schedule, although not part of the general appropriations act, guides the Legislature in prescribing an annual appropriation of positions and salaries and benefits for the Supreme Court. Conversation with staff of the Senate Budget Subcommittee on Criminal and Civil Justice Appropriations (Mar. 20, 2011).

² FLA. CONST. art. V, s. 3(c).

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
