

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4047 Judicial Census Commissions

SPONSOR(S): Bernard

TIED BILLS: None **IDEN./SIM. BILLS:** SB 522

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	15 Y, 0 N	Cary	Bond
2) Judiciary Committee	16 Y, 0 N	Cary	Havlicak

SUMMARY ANALYSIS

The Legislature created judicial census commissions to determine the population of a judicial circuit. The Florida Constitution formerly required one circuit judge for every 50,000 people in a judicial circuit. The Constitution was amended in 1973 to provide for different method of determining the number of circuit judges.

This bill repeals the statutory provision related to judicial census commissions.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Section 26.011, F.S., provides that the Legislature may, from time to time, create a commission to determine the population of a judicial circuit. This "judicial census commission" may report to the Governor and the Governor may, by proclamation, announce the population of a circuit.

A judicial census commission was once useful because prior versions of the Florida Constitution provided for 1 circuit judge for every 50,000 people. For example, article V, section 6 of the 1968 Constitution provided:

(2) Circuit Judges. The legislature shall provide for one circuit judge in each circuit for each fifty thousand inhabitants or major fraction thereof according to the last census authorized by law. In circuits having more than one judge the legislature may designate the place of residence of any such additional judge or judges.

This provision was removed from the Constitution effective in 1973¹ and replaced with the current system where the Supreme Court certifies the need for additional judges to the Legislature prior to each legislative session.²

This bill repeals s. 26.011, F.S.

B. SECTION DIRECTORY:

Section 1 repeals s. 26.011, F.S., relating to census commissions.

Section 2 provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill does not appear to have any impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

¹ SJR 52-D (1971), adopted in 1972 and effective January 1, 1973.

² Article V, s. 9, Fla. Const.

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:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.