

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

**BILL #:** HB 4047 (SB 522)

**FINAL HOUSE FLOOR ACTION:**

**SPONSOR(S):** Bernard (Braynon)

117 Y's                      0 N's

**COMPANION** SB 522  
**BILLS:**

**GOVERNOR'S ACTION:** Approved

---

**SUMMARY ANALYSIS**

HB 4047 passed the House on February 15, 2012, and subsequently passed the Senate on March 7, 2012. The bill repeals the statutory provision related to judicial census commissions.

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 a different method of determining the number of circuit judges.

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

The bill was approved by the Governor on March 23, 2012, ch. 2012-26, Laws of Florida. The effective date of the bill is July 1, 2012.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF 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, art. V, s. 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 1973<sup>1</sup> and replaced with the current system where the Supreme Court certifies the need for additional judges to the Legislature prior to each legislative session.<sup>2</sup>

This bill repeals s. 26.011, F.S.

The bill 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.

### D. FISCAL COMMENTS:

---

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

<sup>2</sup> Article V, s. 9, Fla. Const.

None.