

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4069 County Courts

**SPONSOR(S):** Weinstein

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	14 Y, 0 N	Cary	Bond
2) Judiciary Committee	15 Y, 0 N	Cary	Havlicak

### SUMMARY ANALYSIS

This bill repeals an obsolete statute requiring all county courts in the state to be considered open for the reception of voluntary pleas of guilt at all times, Sundays excepted.

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 34.131, F.S., provides that county courts shall remain open, except on Sundays, to receive voluntary pleas of guilty in all criminal cases. The statute requires county court judges to receive guilty pleas and convict and sentence the defendant as a result of such pleas. This statute derives from the days when circuit court judges literally "rode the circuit," typically appearing in rural counties only twice a year.<sup>1</sup> In those days, a felony defendant in certain counties may have had to wait for up to six months in order to plead guilty if not for the statute allowing for defendants to plead guilty before a county judge.

The state Supreme Court has broad power to adopt rules for the practice and procedure in all state courts.<sup>2</sup> Procedures for entry of guilty pleas are governed by the Rules of Criminal Procedure.<sup>3</sup> Furthermore, the Supreme Court has granted Chief Judge of a circuit court broad administrative authority to designate judges to be assigned to various courts.<sup>4</sup> In practice, Chief Judges may assign county court judges as temporary judges in circuit courts for any purpose, including the taking of voluntary pleas.<sup>5</sup>

This bill repeals an obsolete statute, s. 34.131, F.S.

#### B. SECTION DIRECTORY:

Section 1 repeals s. 34.131, F.S., relating to availability of county courts for the reception of voluntary guilty pleas.

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.

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<sup>1</sup> See s. 26.21, F.S., which requires at least two regular terms of the circuit court to be held in each county in each year, and the subsequent sections that specify the times for holding the terms of the circuit courts in each circuit.

<sup>2</sup> ART. V, SEC. 2, FLA. CONST.

<sup>3</sup> Fla. R. Crim. Pro., Rule 3.170.

<sup>4</sup> Fla. R. Jud. Admin., Rule 2.215(b)(3).

<sup>5</sup> See, e.g., Admin. Order of the 14th Jud. Cir. #2011-00-03.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The 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.