

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4133 District Courts of Appeal

**SPONSOR(S):** Gaetz

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	14 Y, 0 N	Bond	Bond
2) Judiciary Committee	14 Y, 3 N	Bond	Havlicak

### SUMMARY ANALYSIS

This bill repeals a 1957 law that provides that a district court of appeal may enact regulations regarding the internal government of the court.

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 35.07, F.S., enacted in 1957, provides that a district court of appeal "may make such regulations as necessary for the internal government of the court," provided that such regulations do not conflict with rules of practice and procedure enacted by the Supreme Court.

All entities, government or not, have the inherent power to manage their internal affairs, provided that such management complies with constitutional and statutory law. Article V, s. 2(a) of the state constitution gives the Supreme Court power to enact rules of practice and procedure regarding "the administrative supervision of all courts." The Supreme Court has enacted rules governing the internal management of the district courts.<sup>1</sup> Accordingly, the statute appears unnecessary.

This bill repeals s. 35.07, F.S.

#### B. SECTION DIRECTORY:

Section 1 repeals s. 35.07, F.S., relating to power to make rules and regulations.

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:

The bill does not appear to have any direct economic impact on the private sector.

#### D. FISCAL COMMENTS:

None.

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<sup>1</sup> See generally, the Florida Rules of Appellate Procedure, and the Florida Rules of Judicial Administration.

### **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.