

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1688

SPONSOR: Senator Villalobos

SUBJECT: Judges

DATE: April 7, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lang</u>	<u>Lang</u>	<u>JU</u>	<u>Favorable</u>
2.	_____	_____	<u>AAV</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill creates 51 new circuit court judgeships and 33 new county court judgeships. The judges filling the new offices would be elected at the 2004 elections and take office January 3, 2005. The bill also creates four new district court of appeal judgeships. The new district court of appeals judges would be appointed by the Governor and take office on January 1, 2005.

This bill substantially amends sections 26.031, 34.022 and 35.06 of the Florida Statutes.

II. Present Situation:

Currently, there are 509 circuit court judges, 280 county court judges, and 51 District Court of Appeal judges.

The *Florida Constitution* provides that if the Supreme Court finds that a need exists for increasing or decreasing the number of judges, except Supreme Court justices, it shall certify to the Legislature its findings and recommendations concerning such need. *s. 9, Art. V, Fla. Const.* Upon receipt of the certificate, the Legislature, at the next regular session, must consider the court's findings and recommendations and may reject them, in whole or in part, or may implement them. *Id.* The Legislature may deviate from the Supreme Court's recommendations with respect to an increase or decrease in the number of judicial offices only upon a finding of two-thirds of the membership of both houses that such need exists. *Id.*

At the request of the Legislature, since 2000 the court has based its certification of the need for new judges on the Delphi methodology which involves developing a weight to be assigned to each type of case handled by a judge based upon the amount of time typically necessary to resolve the type of case and a calculation of the total time available to a judge.

New circuit court judgeships were last created by the Legislature in 2002.¹ New county court judgeships were last created in 2001.² New district court of appeal judgeships were last created in 1999.³

III. Effect of Proposed Changes:

The judicial circuits requested 54 new circuit court judgeships. The Supreme Court certified 51 new circuit judgeships. The court did not certify the new circuit court judgeship requested in the second and the eighteenth circuits, and it certified one less circuit court judgeship than was requested by the sixth circuit.

Thirty eight new county court judgeships were requested, but the Supreme Court certified 33, five less than were requested. The Court did not certify the county court judgeship requested for Hernando County and certified less than the number of county court judgeships requested for Marion, Pasco and Dade counties. The table below shows the number and location of the circuit and county court judgeships requested and the number certified.

Circuit Court	Judgeships Requested	Judgeships Certified	County Court	Judgeships Requested	Judgeships Certified
First	3	3			
Second	1	0			
Third	1	1	Columbia	1	1
Fourth	2	2	Duval	1	1
Fifth	6	6	Hernando Lake Marion	1 1 2	0 1 1
Sixth	4	3	Pasco Pinellas	2 2	1 2
Seventh	2	2	Volusia	1	1
Eighth	1	1			
Ninth	5	5	Orange	4	4
Tenth	2	2			
Eleventh	6	6	Dade	3	1
Twelfth	0	0			
Thirteenth	4	4	Hillsborough	4	4
Fourteenth	1	1	Bay	1	1

¹See ch. 2002-388, L.O.F.

²See ch. 2001-284, L.O.F.

³See ch. 1999-151, L.O.F.

Fifteenth	3	3	Palm Beach	3	3
Sixteenth	0	0			
Seventeenth	6	6	Broward	6	6
Eighteenth	1	0	Brevard Seminole	2 1	2 1
Nineteenth	3	3	Martin St. Lucie	1 1	1 1
Twentieth	3	3	Collier	1	1
Total	54	51	Total	38	33

Below is a table showing the number and location of district court of appeal judgeships requested and the number certified.

District Court of Appeal	Judgeships Requested	Judgeships Certified
First	0	0
Second	2	2
Third	0	0
Fourth	1	1
Fifth	1	1
Total	4	4

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Presumably the additional judgeships and related personnel would increase the efficiency and performance of the state court system resulting in litigants having their cases resolved in a more timely manner.

C. Government Sector Impact:

According to the Office of the State Courts Administrator, a total of 235 positions would be created as follows:

- Four appellate court judgeships; four appellate judicial assistants; and eight appellate law clerks. Total appellate positions = 16.
- 51 circuit court judgeships + 51 judicial assistants, one for each judge. Total circuit court judgeships and judicial assistants = 102.
- 33 county court judgeships + 33 judicial assistants, one for each judge. Total county court judgeships and judicial assistants = 66.
- 51 trial court staff attorneys for the circuit court judgeships.

According to the Office of the State Courts Administrator, the expenditures for FY 04-05 from January 1, 2005 for 235 positions would be \$14,402,379 broken down as follows: Salaries & Benefits for 235 FTE = \$11,134,654; Expenses = \$2,739,225, including Florida Cases, Southern 2d = \$145,200; and Operating Capital Outlay (OCO) = 528,500.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.