

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

The Supreme Court of Florida issued SC05-2120 on December 15, 2005, in regard to the Certification of Need for Additional Judges. In the certification, the court recommended 2 new appellate judges, 40 new circuit judges, and 24 new county court judges, for a total of 66 new judges.

HB 113 CS establishes, effective September 1, 2006:

- 2 new appellate judgeships, one each in the 2nd and 4th District Courts of Appeals.
- 20 new circuit judgeships: 1 each in the First, Second, Fourth, Sixth, Seventh, Ninth, Tenth, Twelfth, Fourteenth, Seventeenth, Eighteenth, and Nineteenth Judicial Circuits; and 2 each in the Fifth, Eleventh, Thirteenth, and Twentieth Judicial Circuits.
- 11 new county court judgeships: 1 each in Charlotte, Collier, Orange, and Pasco Counties; 2 each in Brevard and Pinellas Counties; and 3 in Broward County.

Effective December 1, 2006, the bill establishes:

- 20 new circuit judgeships: 1 each in the First, Seventh, Tenth, and Twelfth Circuits; and 2 each in the Fourth, Fifth, Ninth, Eleventh, Thirteenth, and Seventeenth Circuits; and 4 in the Twentieth Circuit.
- 13 new county court judgeships: 1 each in Brevard, Miami-Dade, Duval, Lee, Marion, Orange, Osceola, Palm Beach, Pasco, Pinellas, and Polk Counties; and 2 in Broward County.

Accordingly, the bill establishes a total of:

- For circuit judgeships, 1 each in the Second, Sixth, Fourteenth, Eighteenth, and Nineteenth Circuits; 2 each in the First, Seventh, Tenth, and Twelfth Circuits; 3 each in the Fourth, Ninth, and Seventeenth Circuits; 4 each in the Fifth, Eleventh, and Thirteenth Circuits; and 6 in the Twentieth Circuit.
- For county judgeships, 1 each in Charlotte, Collier, Miami-Dade, Duval, Lee, Marion, Osceola, Palm Beach, and Polk Counties; 2 each in Orange and Pasco Counties; 3 each in Brevard and Pinellas Counties; and 5 in Broward County.

C. SECTION DIRECTORY:

Section 1. Amends s. 26.031, F.S., establishing new circuit judgeships effective September 1, 2006.

Section 2. Amends s. 34.022, F.S., establishing new county court judgeships effective September 1, 2006.

Section 3. Amends s. 26.031, F.S., establishing new circuit judgeships effective December 1, 2006.

Section 4. Amends s. 34.022, F.S., establishing new county court judgeships effective December 1, 2006.

Section 5. Amends s. 35.06, F.S., establishing new appellate judgeships effective September 1, 2006.

Section 6. Authorizes positions and approved salary rate and provides appropriations.

Section 7. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides a recurring appropriation to the state courts of \$11.6 million and a nonrecurring appropriation of \$385,448 from the General Revenue Fund to cover the cost of 149 new positions, including judges, judicial assistants, and law clerks; associated expenses; Operating Capital Outlay (OCO); and special category expenses for a portion of Fiscal Year 2006-2007. Subsequent required annual recurring appropriations total approximately \$16.1 million. The bill also provides salary rate of 11,897,925.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The cost of county judges and judicial assistants are paid for by the state. Under s. 29.008, F.S., counties are responsible for facilities, security, communications and information technology costs for county and circuit courts. This bill could result in additional costs in these areas.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its March 10, 2006, meeting, the Judiciary Appropriations Committee approved a strike-all amendment which conformed HB 113 to the Supreme Court's December 15, 2005, judicial certification order. The amendment increased the total number of judgeships established from 55 to 66. It also established certain judgeships beginning September 1, 2006, with the remainder established beginning December 1, 2006. The amendment also added language appropriating funds and authorizing positions and rate.