

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill may create a new state-funded program.

B. EFFECT OF PROPOSED CHANGES:

Business courts specialize in handling complex business cases, such as antitrust suits, intellectual property cases, franchise cases and unfair competition cases. Their goal is to handle business litigation matters in an effective and efficient manner. Benefits of a business court include implementation of standardized procedures, a higher degree of consistency of rulings on recurring issues, and economic stimulus to the community.¹

Currently, three of the twenty judicial circuits have established a civil division for complex business, corporate, and commercial disputes, namely the Ninth (Orange and Osceola counties), Eleventh (Miami-Dade county) and Thirteenth (Hillsborough) judicial circuits.

This bill makes legislative findings regarding complex business, corporate, and commercial disputes.

This bill contains language making an appropriation for complex business, corporate, and commercial disputes in three judicial circuits, although the amount of the appropriation is not specified and is left blank. The appropriation would fund law clerks, case managers, special masters, and technology resources.

C. SECTION DIRECTORY:

Section 1 creates a pilot program for adjudication and resolution of complex business litigation cases.

Section 2 provides language wherein an appropriation could be made.

Section 3 provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill contemplates an appropriation, but does not specify the amount of the appropriation.

If fully funded, the estimated cost is \$710,840 recurring from General Revenue, and \$27,790 nonrecurring in the year of implementation, for 10 FTE's, as follows:

- 9th Circuit: \$249,076 recurring and \$11,116 nonrecurring for 2 Program Specialists II and 2 Staff Attorneys

¹ From the website of the Ninth Judicial Circuit, reviewed March 8, 2007, at: <http://www.ninja9.org/Courts/Business/Index-BC.htm>

- 11th Circuit: \$230,882 recurring and \$8,337 nonrecurring for 1 Program Specialist II, 1 Staff Attorney, and 1 Magistrate
- 13th Circuit: \$230,882 recurring and \$8,337 nonrecurring for 1 Program Specialist II, 1 Staff Attorney, and 1 Magistrate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Article V, s. 14(c) of the Florida Constitution requires local governments to provide office space and other related services to court employees. The cost to provide such services to the new employees required by this bill is unknown and dependent upon whether existing space may be utilized.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This 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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill should be amended to either specify an appropriation, or the language regarding an appropriation should be removed. The appropriation language provides that it is cover technology, but technology resources are a local responsibility.

D. STATEMENT OF THE SPONSOR

No sponsor statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.