

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Criminal and Civil Justice Appropriations Committee

BILL: CS/CS/SB 448

INTRODUCER: Criminal and Civil Justice Appropriations Committee; Judiciary Committee and Senators Fasano and Joyner

SUBJECT: County Funding/Court Personnel

DATE: April 13, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Luczynski	Maclure	JU	Fav/CS
2.	Herrin	Yeatman	CA	Favorable
3.	Hendon	Sadberry	JA	Fav/CS
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill clarifies the status, regarding benefits, of county-funded personnel who assist in the operation of the circuit court (county-funded employees). Under the bill, the county is considered the employer of county-funded employees for purposes of Florida’s Unemployment Compensation Law and specified provisions of the Workers’ Compensation Law. The bill permits these county-funded employees to be aggregated with other county employees for purposes of a flexible benefits plan. The bill clarifies that when a county provides personnel to the court system, the court system is responsible for those employees compliance with all requirements of federal and state employment laws.

This bill substantially amends section 29.0081, Florida Statutes.

II. Present Situation:

Section 29.0081, F.S., was created as part of the state’s implementation of Revision 7 to Article V of the State Constitution. Article V, section 14, in part, prescribes the counties’ funding responsibilities for the Judiciary.

Many counties have had special funding agreements, formally or informally, with the courts that predated Revision 7. Arguably, statutory authority was unnecessary for a county to continue funding court personnel beyond the constitutional requirements. Nevertheless, s. 29.0081, F.S., codified the existing practice by providing authority for a county and the chief judge of a circuit to enter into an agreement for the county to fund personnel positions to assist in the operation of the circuit. The agreement must provide for the funding of these positions on at least a court fiscal-year basis. The personnel employed under such an agreement are employees of the judicial circuit and are hired, managed, and fired by the circuit. The existing law addresses county

funding of court personnel in broad terms. The law does not specifically address the funding of benefits, the level of benefits, or the treatment of personnel as court or county employees for purposes of benefits.

Workers' Compensation Law

Section 440.10, F.S., relates to employer liability for workers' compensation. It provides penalties for employers that do not have the required workers' compensation insurance.

Unemployment Compensation

Chapter 443, F.S., governs unemployment compensation, including benefit eligibility conditions, payment of benefits, and employer contributions.

III. Effect of Proposed Changes:

This bill clarifies the status of employees who are funded by the county to help with the operation of the circuit court under an agreement created pursuant to s. 29.0081, F.S. The bill deletes existing language stating that county-funded personnel are employees of the judicial circuit. It provides that the county shall be considered the employer for purposes of s. 440.10, F.S., of the Workers' Compensation Law and the Unemployment Compensation Law, ch. 443, F.S. The bill also permits these county-funded employees to be aggregated with other county employees for purposes of a flexible benefits plan pursuant to section 125 of the Internal Revenue Code. The bill clarifies that when a county provides personnel to the court system, the court system is responsible for those employees compliance with all requirements of federal and state employment laws.

The bill takes effect on July 1, 2007.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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