

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: CS/CS/SB 1654

SPONSOR: Appropriations Subcommittee on Public Safety and Judiciary, Committee on Judiciary and Senator Burt

SUBJECT: Increase of Judges & Justices

DATE: March 4, 2002 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|--------------|
| 1. | Johnson | Johnson | JU | Favorable/CS |
| 2. | Mannelli | Beck | APJ | Favorable/CS |
| 3. | _____ | _____ | AP | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

The bill authorizes creation of 8 new circuit court judgeships and 2 new county court judgeships. The judges filling the new offices created by the bill will be appointed and take office October 1, 2002.

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

II. Present Situation:

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.*

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

This is the third year that the court has based the certification request for new judges on a methodology using case weights and calculation of available judicial time to determine the need for additional trial judges. In 1998 the Legislature through proviso language requested the Supreme Court to examine the certification process to develop a Delphi base methodology. The

2000 certification request was based on that methodology but was not funded by the Legislature. In 2001 the certification request was for 44 additional judges. The certification for this year was again based on the methodology developed during 1998 and 1999.

III. Effect of Proposed Changes:

Listed below are the numbers of judges proposed for funding during fiscal year 2002-2003.

| CIRCUIT COURTS | | COUNTY COURTS | |
|----------------|----------|---------------|----------|
| Fifth | 1 | | |
| Sixth | | | |
| Eighth | 1 | Duval | 1 |
| Ninth | 1 | | |
| Tenth | 1 | | |
| Eleventh | 1 | Palm Beach | 1 |
| Thirteenth | 1 | | |
| Seventeenth | 1 | | |
| Twentieth | 1 | | |
| TOTALS | 8 | | 2 |

The effective date of the new judgeships is October 1, 2002, which will create judicial vacancies as provided in s. 3, Art. X. of the Florida Constitution and that must be filled pursuant to s. 11, Art. V.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Although the salaries and benefits of the 10 judicial positions created by the bill and the 11 support positions are paid by the state, counties may incur expenses for the impact of the new circuit and county court positions. The *Florida Constitution* as amended November 1998 requires the counties to fund communications services and the cost of facilities including construction or lease, maintenance, utilities, and security. s.14, Art. V, Fla. Const. Detailed definitions of those items are provided in s. 29.008, F. S. The county funding for those items not currently funded by the counties, such as computer equipment, is to begin July 1, 2003. The amount is indeterminate as it has not been determined what facilities are currently available.

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:

The addition of 10 judges should allow issues before the courts in the impacted circuits and counties to be addressed more expeditiously.

C. Government Sector Impact:

The Senate budget contains an appropriation of \$1,746,207 for 8 circuit judges, 8 circuit judicial assistants, 2 county judges, 2 county judicial assistants, and 1 circuit staff attorney funded beginning October 1, 2002.

The fiscal impact of the bill on counties cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.