

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 32-E

SPONSOR:

SUBJECT: Increase of Judges & Justices

DATE: April 29, 2002 REVISED: 05/01/02 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mannelli</u>	<u>Revell</u>	<u>AP</u>	<u>Favorable/1 amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes the creation of 18 new circuit court judgeships. Half of the new judicial offices will be filled by election and the other half through gubernatorial appointment. The judges filling the new offices would take office March 1, 2003.

This bill substantially amends sections 26.031 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.*

In 1998 the Legislature through proviso language requested the Supreme Court to examine the certification process through the development of Delphi-based methodology. This is the third year that the court has based the annual certification request for new judges on this methodology which uses case weights and calculates available judicial time to determine the need for additional trial judges. The 2000 certification request was based on this methodology but was not funded by the Legislature. In 2001 the certification request was for 44 additional judges. *See In re Certification Need for Additional Judges, SCO-00-331 (Fla. Feb. 23, 2001).* The Legislature funded 27 judicial positions (16 circuit court judges, 11 county court judges).

The 2002 judicial certification request is again based on the Delphi-based methodology. The Florida Supreme Court certified a need for an additional 49 judges, i.e., 2 appellate court judges, 34 circuit court judges and 13 county court judges. *See In re Certification Need for Additional Judges*, SCO-01-2703 (Fla. Jan. 3, 2002). Currently, there are 509 circuit court judges, 280 county court judges, and 51 District Court of Appeal judges.

III. Effect of Proposed Changes:

The bill proposes funding for 18 new judgeships during the fiscal year 2002-2003, all of which will be for the circuit court offices:

CIRCUIT COURTS	
Fifth	2
Sixth	1
Seventh	1
Eighth	1
Ninth	2
Tenth	2
Eleventh	2
Twelfth	1
Thirteenth	1
Fifteenth	1
Seventeenth	2
Eighteenth	1
Twentieth	1
TOTALS	18

The effective date of these new circuit court judicial positions is March 1, 2003, which will create judicial vacancies as provided in s. 3, Art. X. of the Florida Constitution. These vacancies must be filled in accordance with s. 11, Art. V. The bill provides that half the judicial positions will be filled by election and the other half through appointment. Judicial positions in the following circuits will be filled by appointment: 8th, 9th, 11th, 15th, 17th and 18th. Judicial positions in the following circuits will be filled by election: 5th, 6th, 7th, 10th, 12th, 13th, and 20th. For those judicial positions to be filled by election the candidates must qualify, pursuant to chapter 105, F.S., no earlier than July 22, 2002, and no later than noon, July 26, 2002. In addition, the term for the elected judge will begin March 1, 2003, and expire on the first Tuesday after the first Monday in January of the 6th year of the elected judge’s term.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Although the salaries and benefits of the 18 judicial positions created by the bill and the 18 support positions are paid by the state, counties may incur expenses for the impact of the new circuit 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 18 circuit court judges should allow issues before the courts in the affected circuits to be addressed more expeditiously.

C. Government Sector Impact:

The Senate budget contains an appropriation of \$1,649,697 for 18 circuit judges and 18 circuit judicial assistants funded beginning March 1, 2003.

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

Appropriations Committee #1

The bill provides that half of the 18 new judgeships will be filled by popular election and half by gubernatorial appointment. This amendment moves judgeships from the 6th and 13th Judicial Circuits from appointment to election and the judgeships from the 17th Judicial Circuit from election to appointment.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
