

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7031 PCB CCJP 10-03 Judiciary
SPONSOR(S): Criminal & Civil Justice Policy Council; Holder
TIED BILLS: IDEN./SIM. BILLS:

Table with 5 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Criminal & Civil Justice Policy Council, 13 Y, 0 N, Mato, Havlicak. Rows 2-6 are empty.

SUMMARY ANALYSIS

This bill repeals obsolete statutes relating to the judiciary. The bill repeals the following statutes:

- s. 25.051, F.S., relating to regular terms of court for the Florida Supreme Court.
• s. 25.281, F.S., relating to compensation of the Florida Supreme Court marshal.
• s. 26.011, F.S., relating to Census commission, judicial circuits.
• ss. 26.21-26.365, F.S., relating to terms of the circuit courts.
• s. 26.37, F.S., relating to judge to attend first day of term.
• s. 26.38, F.S., relating to judge to state reason for nonattendance.
• s. 26.39, F.S., relating to penalty for nonattendance of judge.
• s. 26.40, F.S., relating to adjournment of court upon nonattendance.
• s. 26.42, F.S., relating to calling docket at end of term.
• s. 26.49, F.S., identifying the sheriff as the executive officer of the circuit court.
• s. 28.08, F.S., requiring the clerk of circuit court, or his or her deputy clerk, to reside at the county seat or within two miles of the county seat.
• s. 35.10, F.S., relating to regular terms of court for the district courts of appeal.
• s. 35.27, F.S., relating to compensation of the district courts of appeal marshal.
• s. 744.103, F.S., relating to guardians of incapacitated world war veterans.

There appears to be no fiscal impact on state or local government.

The bill provides and effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

There are many out-dated statutes relating to the judiciary. This bill repeals the following statutes:

s. 25.051, F.S., relating to regular terms.

Requires the Supreme Court shall hold two terms in each year, in the Supreme Court Building, commencing respectively on the first day of January and July, or the first day thereafter if that is a Sunday or holiday.

Enacted: 1957

Effect of the Bill

Repeals s. 25.051, F.S., as obsolete.

s. 25.281, F.S., relating to compensation of the marshal.

Requires the compensation of the Florida Supreme Court marshal to be provided by law.

Enacted: 1957

Effect of the Bill

Repeals s. 25.281, F.S., as obsolete.

s. 26.011, F.S., relating to census commission, judicial circuits.

Provides the methods through which the Legislature can have the Governor appoint commissioners to take a census of the population of a judicial circuit and gives those findings, as proclaimed by the Governor, the force of law.

Enacted: 1956

Effect of the Bill

Repeals s. 26.011, F.S., as obsolete.

ss. 26.21-26.365, F.S., relating to terms of all of the circuit courts.

Requires at least two regular terms of the circuit court to be held in each county each year and allows for special terms as needed. All twenty circuits have their own statute which provides for the starting day of each term.

Enacted: between 1866 - 1969

Effect of the Bill

Repeals ss. 26.21-26.365, F.S., as obsolete.

s. 26.37, F.S., relating to judge to attend first day of term.

Requires every judge of a circuit court, unless prevented by sickness or other providential causes, to attend the first day of each term of the circuit court. If the judge fails to attend, he or she is subject to a \$100 deduction from his or her salary.

Enacted: 1849

Effect of the Bill

Repeals s. 26.37, F.S., as obsolete.

s. 26.38, F.S., relating to judge to state reason for nonattendance.

Requires a judge who misses the first day of each term to state the reasons of such failure in writing to be handed to the clerk of the court.

Enacted: 1849

Effect of the Bill

Repeals s. 26.38, F.S., as obsolete.

s. 26.39, F.S., relating to penalty for nonattendance of judge.

Requires the clerk of court to notify the Chief Financial Officer of the state when a judge fails to attend the first day of the term of court. The CFO is then directed to deduct \$100 from the judge's pay for every such default.

Enacted: 1849

Effect of the Bill

Repeals s. 26.39, F.S., as obsolete.

s. 26.40, F.S., relating to adjournment of court upon nonattendance.

Requires that whenever a judge does not attend on the first day of any term, the court shall stand adjourned until 12 o'clock on the second day. If the judge does not attend court at that time, the clerk must continue all causes and adjourn the court to such time as the judge may appoint or to the next regular term.

Enacted: 1828

Effect of the Bill

Repeals s. 26.40, F.S. as obsolete.

s. 26.42, F.S., relating to calling docket at end of term.

Requires a judge, after other court business of the term has been completed, to call the remaining cases on the docket and make such orders and entries as necessary.

Enacted: 1828

Effect of the Bill

Repeals s. 26.42, F.S., as obsolete.

s. 26.49, F.S., relating to executive officer of circuit court.

Identifies the sheriff of the county as the executive officer of the circuit court of the county.

Enacted: 1845

Effect of the Bill

Repeals s. 26.49, F.S., as obsolete.

s. 28.08, F.S., relating to place of residence.

Requires that the clerk of the circuit court or a deputy clerk must reside at the county seat or within two miles of the county seat.

Enacted: 1851

Effect of the Bill

Repeals s. 28.08, F.S., as obsolete.

s. 35.10, F.S., relating to regular terms of District Courts of Appeal.

Requires the district courts of appeal to hold two regular terms each year at their headquarters. The terms commencing on the second Tuesday in January and July.

Enacted: 1957

Effect of the Bill

Repeals s. 35.10, F.S., as obsolete.

s. 35.27, F.S., relating to compensation of the marshal.

Establishes that the salaries of the district courts of appeal's marshals shall be provided by law.

Enacted: 1957

Effect of the Bill

Repeals s. 35.27, F.S., as obsolete.

s. 744.103, F.S., relating to guardians of incapacitated world war veterans.

Provides the provisions of this law shall extend to incapacitated world war veterans, provided for in chapters 293 and 294. The provisions of this law are cumulative to those chapters.

Chapters 293 and 294 have both been repealed in previous legislative sessions. Former s. 293.16, F.S., setting forth the procedure for placing veterans with a federal agency such as United States Department of Veterans Affairs, was transferred and renumbered as s. 394.4672, F.S.

Enacted: 1974

Effect of the Bill

Repeals s. 744.103, F.S., as obsolete.

B. SECTION DIRECTORY:

Section 1 repeals the following:

- s. 25.051, F.S., relating to regular terms;
- s. 25.281, F.S., relating to compensation of the marshal;
- s. 26.011, F.S., relating to Census Commission, judicial circuits;
- s. 26.21, F.S., relating to terms of circuit courts;
- s. 26.22, F.S., relating to terms of the First Judicial Circuit;
- s. 26.23, F.S., relating to terms of the Second Judicial Circuit;
- s. 26.24, F.S., relating to terms of the Third Judicial Circuit;
- s. 26.25, F.S., relating to terms of the Fourth Judicial Circuit;
- s. 26.26, F.S., relating to terms of the Fifth Judicial Circuit;
- s. 26.27, F.S., relating to terms of the Sixth Judicial Circuit;
- s. 26.28, F.S., relating to terms of the Seventh Judicial Circuit;
- s. 26.29, F.S., relating to terms of the Eighth Judicial Circuit;
- s. 26.30, F.S., relating to terms of the Ninth Judicial Circuit;
- s. 26.31, F.S., relating to terms of the Tenth Judicial Circuit;
- s. 26.32, F.S., relating to terms of the Eleventh Judicial Circuit;
- s. 26.33, F.S., relating to terms of the Twelfth Judicial Circuit;
- s. 26.34, F.S., relating to terms of the Thirteenth Judicial Circuit;
- s. 26.35, F.S., relating to terms of the Fourteenth Judicial Circuit;
- s. 26.36, F.S., relating to terms of the Fifteenth Judicial Circuit;
- s. 26.361, F.S., relating to terms of the Sixteenth Judicial Circuit;
- s. 26.362, F.S., relating to terms of the Seventeenth Judicial Circuit;
- s. 26.363, F.S., relating to terms of the Eighteenth Judicial Circuit;
- s. 26.364, F.S., relating to terms of the Nineteenth Judicial Circuit;
- s. 26.365, F.S., relating to terms of the Twentieth Judicial Circuit;
- s. 26.37, F.S., relating to judge to attend first day of term;
- s. 26.38, F.S., relating to judge to state reason for nonattendance;
- s. 26.39, F.S., relating to penalty for nonattendance of judge;
- s. 26.40, F.S., relating to adjournment of court upon nonattendance;
- s. 26.42, F.S., relating to calling docket at end of term;
- s. 26.49, F.S., relating to executive officer of circuit court;
- s. 28.08, F.S., relating to place of residence;
- s. 35.10, F.S., relating to regular terms;
- s. 35.27, F.S., relating to compensation of the marshal;
- s. 744.103, F.S., relating to guardians of incapacitated world war veterans.

Section 2 – provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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 to 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:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On February 2, 2010, the Criminal & Civil Justice Policy Council adopted an amendment that removed the repeal of s. 16.10, F.S., relating to the receipt of Supreme Court reports for the Office of the Attorney General.