

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Judiciary Committee

BILL: SB 974

INTRODUCER: Senator Detert

SUBJECT: District Court Marshals

DATE: March 21, 2011

REVISED: 03/22/11

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Maclure	Maclure	JU	Pre-meeting
2.		GO	
3.		BC	
4.			
5.			
6.			

I. Summary:

This bill repeals the statutory requirement that the compensation of the marshal of a district court of appeal be as provided by law.

This bill repeals section 35.27, Florida Statutes.

II. Present Situation:

There are currently five district courts of appeal in the state.¹ Each district court of appeal is required to appoint a marshal.² Subsections 35.26(2), (3) and (4), F.S., provide that:

- The marshal has the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for that purpose.
- The marshal is custodian of the headquarters occupied by the court and performs such other duties as directed by the court.
- The marshal is responsible for the security of the court.

Article V, subsection 4(c) of the Florida Constitution requires that a district court of appeal appoint a marshal and provides that the compensation of the marshal “shall be fixed by general law.” Section 35.27, F.S., provides that the compensation of the marshal “shall be as provided by law.”

¹ Section 35.01, F.S.

² Section 35.26(1), F.S.

Currently, a personnel schedule supporting preparation of the annual general appropriations act prescribes the salary associated with specific categories of state-employee positions, including the marshals of the district courts of appeal.³

III. Effect of Proposed Changes:

The bill repeals s. 35.27, F.S., which is the statutory requirement that the compensation of the marshal of a district court of appeal “shall be as provided by law.” This bill does not affect the current constitutional requirement for the marshal’s compensation to be fixed by general law.⁴

The bill provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

³ The schedule, although not part of the general appropriations act, guides the Legislature in prescribing an annual appropriation of positions and salaries and benefits for the district courts of appeal. Conversation with staff of the Senate Budget Subcommittee on Criminal and Civil Justice Appropriations (Mar. 19, 2011).

⁴ FLA. CONST. art. V, s. 4(c).

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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