

1989

Session Law 89-290

Florida Senate & House of Representatives

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S 1141 GENERAL BILL/CS/2ND ENG by Appropriations; Judiciary-Civil (Compare CS/CS/CS/CS/1ST ENG/H 8, CS/H 955, H 20-B, CS/S 2)
Judges/Number Increased/Filing Fees: increases number of judges for specified judicial circuits, specified county courts, & specified district courts of appeal. Amends 26.031, 34.022, .041, 35.06, .22, 25.241, 28.241. Appropriation: \$1,017,484. Effective Date: 01/02/90 except ss. 4-9 & 11 on 07/05/89.

04/07/89 SENATE Filed
04/14/89 SENATE Introduced, referred to Judiciary-Civil; Appropriations -SJ 155
04/21/89 SENATE On Committee agenda—Judiciary-Civil, 04/25/89, 4:00 pm, Room-1C-(309)
04/25/89 SENATE Comm. Report: Favorable by Judiciary-Civil -SJ 210
04/26/89 SENATE Now in Appropriations -SJ 210
05/03/89 SENATE Extension of time granted Committee Appropriations
05/18/89 SENATE Extension of time granted Committee Appropriations
05/19/89 SENATE On Committee agenda—Appropriations, 05/23/89, 1:00 pm, Room-A-(LL-37)
05/23/89 SENATE Comm. Report: CS by Appropriations, placed on Calendar -SJ 450
05/25/89 SENATE CS read first time -SJ 455
05/25/89 HOUSE On Committee agenda—Appropriations, 05/25/89, 8:00 am, 21-HOB—Not received
05/30/89 SENATE Placed on Special Order Calendar -SJ 560; CS passed as amended; YEAS 35 NAYS 0 -SJ 609
05/30/89 HOUSE In Messages
06/01/89 HOUSE Received, placed on Calendar; Taken up in lieu of CS/HB 955; Read second time; Amendments adopted; Read third time; CS passed as amended; YEAS 105 NAYS 0 -HJ 999
06/01/89 SENATE In Messages
06/02/89 SENATE Amendment to House amendment adopted; Concurred in House amendment as amended; Requested House to concur; Concurred in one amendment; CS passed as amended; YEAS 37 NAYS 1 -SJ 881
06/02/89 HOUSE In Messages; Amendment to Senate amendment to House amendment adopted; Concurred in Senate amendment as amended; CS passed as amended; YEAS 112 NAYS 0 -HJ 1347
06/02/89 SENATE In Messages; Refused to concur, requested House to recede -SJ 1271
06/02/89 HOUSE In Messages
06/03/89 HOUSE Refused to recede, requests Senate to concur -HJ 1464
06/03/89 SENATE In Messages; Concurred; CS passed as amended; YEAS 38 NAYS 0 -SJ 1399
06/03/89 Ordered engrossed, then enrolled -SJ 1399
06/20/89 Signed by Officers and presented to Governor
07/05/89 Approved by Governor; Chapter No. 89-290

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: May 24, 1989BILL NO. CS/SB 1141DATE: May 22, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Smawley</u>	<u>Smawley</u>	1. <u>JCI</u>	<u>Fav</u>
2. <u>Martin</u>	<u>Smith</u>	2. <u>AP</u>	<u>Fav/CS</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Judges/Number Increased

BILL NO. AND SPONSOR:

CS/SB 1141 by
Committees on Appropriations
and Judiciary-CivilI. SUMMARY:

A. Present Situation:

Section 9, Article V, Florida Constitution, provides that when the Supreme Court determines that a need exists for increasing or decreasing the number of judges in the state court system, except for the justices of the Supreme Court, it shall certify its findings and recommendations to the Legislature. The Legislature may accept, reject, or modify this recommendation. However, only upon a finding of two-thirds of the membership of both houses may the Legislature increase the number of judicial positions certified by the court or decrease the number of judicial positions certified to be decreased. There are currently 53 judges serving on the district courts of appeal, 382 circuit judges, and 229 county court judges.

Section 25.241, F.S., provides a fee of \$100 for each appeal or petition filed with the Florida Supreme Court, such fee to be deposited in the state General Revenue Fund. Section 28.241, F.S., provides a \$3 service charge for each civil action filed in the circuit courts, of which \$2 is remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated; and an additional charge of \$1 for each civil action filed in circuit or county court to be deposited into the Court Education Trust Fund. The \$1 charge was increased to \$1.50 by Chapter 87-231, Laws of Florida, to be effective October 1, 1988; but through a technical oversight, Chapter 88-176, Laws of Florida, republished that section of the statutes without the increase. Section 35.22, F.S. provides for a \$100 service charge for each appeal or petition filed in the District Courts of Appeal, such charges to be deposited in the state General Revenue Fund.

B. Effect of Proposed Changes:

Listed below are the number of judges certified by the Supreme Court for fiscal year 1989-1990. In addition, a listing of the judges proposed to be added by the bill is provided.

In addition to the new judgeships authorized in the bill, the filing fees in the Supreme Court and district courts of appeal are raised from \$100 per case to \$250 per case. The \$3 service charge in the circuit courts is also raised to \$6, with provision that \$5 of the \$6 be remitted to the State Treasurer for deposit into the General Revenue Fund. The \$1 charge in all circuit and county court civil filings which funds the Court Education Trust Fund is raised to \$1.50.

<u>District Courts of Appeal</u>	<u>Certified</u>	<u>Proposed</u>
First	1	1
Third	2	2
Fifth	2	2
Total	5	5

<u>Judicial Circuits</u>	<u>Certified</u>	<u>Proposed</u>
First	1	1
Second	0	1
Fifth	2	2
Sixth	1	1
Seventh	1	1
Ninth	2	2
Eleventh	1	1
Thirteenth	1	1
Fourteenth	1	1
Fifteenth	3	3
Seventeenth	0	1
Eighteenth	1	1
Twentieth	1	1
Total	15	16

<u>County Courts</u>	<u>Certified</u>	<u>Proposed</u>
(8) Charlotte	0	1
(11) Dade	1	1
(12) Manatee	1	1
(15) Palm Beach	1	1
(17) Broward	1	0
(19) St. Lucie	1	1
(20) Collier	1	1
Total	6	6

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

Local governments will incur additional costs to support the new circuit and county judges' chambers and related increased court costs. Implementation of the bill would have the following state costs:

District Court of Appeal

January-June 1990 \$ 746,276 July 1990-June 1991 \$1,492,552

Circuit Courts

January-June 1990 \$1,264,248 July 1990-June 1991 \$2,528,495

County Courts

January-June 1990 \$ 403,312 July 1990-June 1991 \$ 806,624

Total \$2,413,836 \$4,827,671

Estimated increases in state General Revenue fund due to the increased filing fees and charges are:

Supreme Court	\$ 102,450
District Courts of Appeal	1,951,650
Circuit Courts	<u>916,794</u>
TOTAL	\$ 2,970,894 =====

The estimated increase in the Court Education Trust Fund resulting from the \$.50 increase in the service charge is \$300,000.

III. COMMENTS:

Funds are currently provided in the Senate appropriations bill to fund this bill at \$2,339,468. The House appropriations bill contains funding of approximately \$72,000 less.

IV. AMENDMENTS:

None.

STORAGE NAME: h0955s.jud
DATE: May 15, 1989

AS REPORTED TO CLERK

HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 955

RELATING TO: Judicial Certification

SPONSOR(S): Judiciary and Representative Trammell

EFFECTIVE DATE: The 1st Tuesday after the 1st Monday in January of 1990, except that sections 4 & 5 shall take effect upon becoming a law.

COMPANION BILL(S): SB 1141

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

A. PRESENT SITUATION:

Pursuant to Article V of the Florida Constitution, the Supreme Court is directed to certify to the Legislature each year the need for additional judges on the district court of appeals, the circuit court, and the county courts. There are presently 53 judges serving on the district courts of appeal, 382 circuit court judges, and 227 county judges. The Florida Supreme Court has certified the need for a additional 5 appellate judges, 15 circuit court judges and 6 county judges.

B. EFFECT OF PROPOSED CHANGES:

Committee Substitute for House Bill 955 would implement the certification order of the Supreme Court, except that one county judge position (certified for Broward County) is switched to a circuit court judgeship for the 17th circuit (Broward County).

C. SECTION-BY-SECTION ANALYSIS:

Section 1 provides for the addition of 16 circuit judges: 15 that were certified by the Florida Supreme Court, and 1 for the 17th circuit (switched from the county judgeship that had been originally certified for Broward County). Thus, One judge each would be added to the 1st, 6th, 7th, 11th, 13th, 14th, 17th, 18th, and 20th circuits, two judges each would be added to the 5th and 9th circuits, and three judges would be added to the 15th circuit.

Section 2 provides for the addition of 5 county judges as certified by the Court. One judge each would be added in Collier, Dade, Manatee, Palm Beach, and St. Lucie counties.

Section 3 provides for the appointment of an additional 5 judges on the district courts of appeal. Two judges each in the 3rd and 5th districts, and one judge in the 1st district.

Section 4 provides that the additional judges of the district courts of appeal shall be initially appointed by the Governor and take office on the first Tuesday after the first Monday in January 1990.

Section 5 provides that the circuit and county judges shall be initially appointed by the Governor and take office on the first Tuesday after the first Monday in January 1990.

Section 6 provides as effective date of January of 1990, except that sections 4 and 5 shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

	<u>1989-90</u>	<u>1990-91</u>	<u>1991-92</u>
General Revenue	\$2,363,024	\$4,726,048	\$4,726,048

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

	<u>1989-90</u>	<u>1990-91</u>	<u>1991-92</u>
General Revenue	\$2,365,024	\$4,730,048	\$4,730,048

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

This legislation should improve the ability of the judicial system to provide for the timely disposition of legal disputes.

IV. COMMENTS:

Committee Substitute for House Bill 955 is consistent with the Mission Statement of the House Judiciary Committee in that the addition of new judges should result in a "judicial system responsive to Florida's citizenry." This legislation does not directly affect the Policy Statement of the Florida House of Representatives.

V. STATEMENT OF SUBSTANTIAL CHANGES:

Section 1 of the original bill provided for the addition of 14 circuit judges, while the committee substitute provides for 16: adding one judge each to the 11th and 17th circuits.


Section 2 of the committee substitute eliminates one county judgeship for Broward County.

Section 5 of the original bill provided for the election of circuit and county judges during the next general election cycle, i.e., November 1990, with the judges not taking office until January 1991. The committee substitute provides for initial appointment of judges by the Governor; taking office in January of 1990.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

David K. Sigerson, Jr. 

Staff Director:

Richard Hixson 

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:
