



Justice Appropriations Subcommittee

Tuesday, January 23, 2018
1:00 PM – 3:00 PM
Morris Hall (17 HOB)

Meeting Packet

Richard Corcoran
Speaker

Bill Hager
Chair



The Florida House of Representatives

Appropriations Committee

Justice Appropriations Subcommittee

Richard Corcoran
Speaker

Bill Hager
Chair

AGENDA

Tuesday, January 23, 2018

1:00 – 3:00 p.m.

Morris Hall (17 HOB)

- I. Call to Order/Roll Call**
- II. Opening Remarks and Introductions**
- III. Consideration of the following bill(s):**
 - **HB 3079 Cape Coral Police Department Public Safety Mobile Command Center Vehicle by Eagle**
 - **HB 3551 Peace Hubs: Inner City Gun Violence Prevention Initiative by Daniels**
- IV. Chair's Budget Proposal for FY 2018-19**
- V. Consideration of the following proposed committee bill(s):**
 - **PCB JUA 18-01 – Relating to Judges**
- VI. Closing Remarks/Adjournment**

1 A bill to be entitled
 2 An act relating to the Appropriations Project titled
 3 Cape Coral Police Department Public Safety Mobile
 4 Command Center Vehicle; providing an appropriation;
 5 providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Cape Coral Police Department Public Safety
 10 Mobile Command Center Vehicle is an Appropriations Project as
 11 defined in The Rules of The Florida House of Representatives and
 12 is described in Appropriations Project Request 97, herein
 13 incorporated by reference.

14 Section 2. For fiscal year 2018-2019 the nonrecurring sum
 15 of \$176,250 from the General Revenue Fund is appropriated to the
 16 Department of Law Enforcement to fund the Cape Coral Police
 17 Department Public Safety Mobile Command Center Vehicle as
 18 described in Appropriations Project Request 97.

19 Section 3. This act shall take effect July 1, 2018.

Appropriations Project Request - Fiscal Year 2018-19

For projects meeting the Definition of House Rule 5.14

1. Title of Project: Cape Coral Police Department Public Safety Mobile Command Center Vehicle
2. Date of Submission: 10/24/2017
3. House Member Sponsor: Dane Eagle
Members Copied:

4. DETAILS OF AMOUNT REQUESTED:

- a. Has funding been provided in a previous state budget for this activity? No
If answer to 4a is No? skip 4b and 4c and proceed to 4d, Col. E
- b. What is the most recent fiscal year the project was funded?
- c. Were the funds provided in the most recent fiscal year subsequently vetoed?
- d. Complete the following Project Request Worksheet to develop your request:

FY:	Input Prior Year Appropriation for this project for FY 2017-18 (If appropriated in 2017-18 enter the appropriated amount, even if vetoed.)			Develop New Funds Request for FY 2018-19 (Requests for additional RECURRING funds are prohibited.)		
	Column:	A	B	C	D	E
Funds Description:	Prior Year Recurring Funds	Prior Year Nonrecurring Funds	Total Funds Appropriated (Recurring plus Nonrecurring: column A + column B)	Recurring Base Budget (Will equal non-vetoed amounts provided in Column A)	Additional Nonrecurring Request	TOTAL Nonrecurring plus Recurring Base Funds (Will equal the amount from the Recurring base in Column D plus the Additional Nonrecurring Request in Column E.)
Input Amounts:					176,250	176,250

5. Are funds for this issue requested in a state agency's Legislative Budget Request submitted for FY 2018-19? No
 - 5a. If yes, which state agency?
 - 5b. If no, which is the most appropriate state agency to place an appropriation for the issue being requested? Department of Law Enforcement
 - 5c. Has the appropriate state agency for administering the funding, if the request were appropriated, been contacted? No
 - 5d. Describe penalties for failing to meet deliverables or performance measures which the agency should provide in its contract to administer the funding if appropriated.
Possible loss of funding after a right to cure and finding alternative performance measures.

6. Requester:

- a. Name: Chief David Newlan
- b. Organization: Cape Coral Police Department
- c. Email: dnewlan@capecoral.net
- d. Phone #: (239)574-0623

7. Contact for questions about specific technical or financial details about the project:

- a. Name: Chief David Newlan
- b. Organization: Cape Coral Police Department
- c. Email: dnewlan@capecoral.net
- d. Phone #: (239)574-0623

8. Is there a registered lobbyist working to secure funding for this project?

- a. Name: Yeline Goin
- b. Firm: Becker & Poliakoff
- c. Email: ygoin@bplegal.com; kskyers@bplegal.com
- d. Phone #: (407)875-0955

9. Organization or Name of entity receiving funds:

- a. Name: (City of Cape Coral) Cape Coral Police Department
- b. County (County where funds are to be expended): Lee
- c. Service Area (Counties being served by the service(s) provided with funding): Charlotte, Collier, DeSoto, Glades, Hendry, Lee

10. What type of organization is the entity that will receive the funds? (Select one)

- For Profit
- Non Profit 501(c) (3)
- Non Profit 501(c) (4)
- Local Government
- University or College
- Other (Please describe)

11. What is the specific purpose or goal that will be achieved by the funds being requested?

The City of Cape Coral REQUESTS support to fund necessary improvements to the Mobile Command Center Vehicle (MCCV) in order to make it fully operational. The current electronics are outdated and obsolete, preventing communication with other agencies in and outside the City. The MCCV is a multipurpose vehicle that is to be used for natural and man-made disasters, acts of terror, community events, and any other situation that arises that calls for the MCCV to be used.

12. Provide specific details on how funds will be spent. (Select all that apply)

Spending Category	Description	Nonrecurring (Should equal 4d, Col. E) Enter ?0? if request is zero for the category
Administrative Costs:		
<input type="checkbox"/> a. Executive Director/Project Head Salary and Benefits		
<input type="checkbox"/> b. Other Salary and Benefits		
<input type="checkbox"/> c. Expense/Equipment/Travel/Supplies/Other		
<input type="checkbox"/> d. Consultants/Contracted Services/Study		
Operational Costs:		
<input type="checkbox"/> e. Salaries and Benefits		
<input checked="" type="checkbox"/> f. Expenses/Equipment/Travel/Supplies/Other	Outfitting the MCCV with digital capabilities and new technologies will allow the Police Dept. to utilize it as a fully functional mobile station. Personnel will not only be able to communicate with and work alongside, internal City depts. they will be able to do so with the EOC, fire, aviation, marine and bordering law enforcement agencies. It will allow the Dept. to deploy the MCCV	176,250

	to prepare for and respond to a wide variety of emergencies both locally, regionally, and on a state level.	
<input type="checkbox"/> g. Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
<input type="checkbox"/> h. Construction/Renovation/Land/Planning Engineering		
TOTAL		176,250

13. For the Fixed Capital Costs requested with this issue (In Question 12, category ?h. Fixed Capital Outlay? was selected), what type of ownership will the facility be under when complete? (Select one correct option)

N/A

14. Is the project request an information technology project?

No

15. Is there any documented show of support for the requested project in the community including public hearings, letters of support, major organizational backing, or other expressions of support?

Yes

15a. Please Describe:

In summary, the Office of the Fire Chief/Emergency Management Director, supports the request for a full technology upgrade to support current and future incident response and management needs; It is anticipated that the MCCV will be needed for future incidents and events, including natural disasters, under the City's Unified Command approach to incident management.

16. Has the need for the funds been documented by a study, completed by an independent 3rd party, for the area to be served?

Yes

16a. Please Describe:

A quote has been obtained, as well as, a letter from Lynch Diversified Vehicles (LDV) dated February 10, 2016, indicating that most of the technology in the MCCV is not functioning and all of it is outdated. The on-board equipment appears to be the original equipment from 2006. There was a list of 16 items identified that need to be replaced and/or updated. It is recommended that the equipment is upgraded and replaced to bring the MCCV back to being a fully operational asset.

17. Will the requested funds be used directly for services to citizens?

Yes

17a. What are the activities and services that will be provided to meet the purpose of the funds?

The activities and services that will be provided are numerous which include, but are not limited to: mobile emergency operations center for natural disaster recovery, planned special events, active violent situations, crime scene investigations and special operations. In essence, it allows the Police Department to be completely mobile.

17b. Describe the direct services to be provided to the citizens by the funding requested.

A fully functional MCCV will allow the City to continue to provide emergency services from the field. A police presence and focal point for operations, rallying point, lost/missing persons, lost and found, and suspect detention. The MCCV provides surveillance, resource allocation, communications, and protection from the elements. Additionally, citizens are able to go to the MCCV when they have questions, concerns, need assistance and/or feel at risk.

17c. Describe the target population to be served (i.e., "the majority of the funds requested will serve these target populations or groups").

Select all that apply to the target population:

- Elderly persons
- Persons with poor mental health
- Persons with poor physical health
- Jobless persons
- Economically disadvantaged persons
- At-risk youth
- Homeless
- Developmentally disabled
- Physically disabled
- Drug users (in health services)
- Preschool students
- Grade school students
- High school students
- University/college students
- Currently or formerly incarcerated persons
- Drug offenders (in criminal Justice)
- Victims of crime
- General (The majority of the funds will benefit no specific group)

Other (Please describe): Potentially, surrounding cities and counties, as well as, cities and counties throughout the state

17d. How many in the target population are expected to be served?

- < 25
- 25-50
- 51-100
- 101-200
- 201-400
- 401-800
- >800

18. What benefits or outcomes will be realized by the expenditure of funds requested? (Select each Benefit/Outcome that applies)

Benefit or Outcome	Provide a specific measure of the benefit or outcome	Describe the method for measuring level of benefit
<input type="checkbox"/> Improve physical health		
<input type="checkbox"/> Improve mental health		
<input type="checkbox"/> Enrich cultural experience		
<input type="checkbox"/> Improve agricultural production/promotion/education		
<input type="checkbox"/> Improve quality of education		
<input type="checkbox"/> Enhance/preserve/improve environmental or fish and wildlife quality		
<input checked="" type="checkbox"/> Protect the general public from harm (environmental, criminal, etc.)	Reduce response times to save lives and reduce crime. This includes being able to respond to incidents where currently the Department does not have the ability to, due to lack of a functioning Mobile Command Center Vehicle.	Compare response times to both current response times within the City and the national average during a disaster or catastrophe.
<input type="checkbox"/> Improve transportation conditions		

<input type="checkbox"/> Increase or improve economic activity		
<input type="checkbox"/> Increase tourism		
<input type="checkbox"/> Create specific immediate job opportunities		
<input type="checkbox"/> Enhance specific individual's economic self sufficiency		
<input type="checkbox"/> Reduce recidivism		
<input type="checkbox"/> Reduce substance abuse		
<input type="checkbox"/> Divert from Criminal/Juvenile justice system		
<input type="checkbox"/> Improve wastewater management		
<input type="checkbox"/> Improve stormwater management		
<input type="checkbox"/> Improve groundwater quality		
<input type="checkbox"/> Improve drinking water quality		
<input type="checkbox"/> Improve surface water quality		
<input checked="" type="checkbox"/> Other (Please describe): Natural Disaster Recovery	Reduce recovery time and cost to the City, through the use of technology providing live audio/video of the devastation, allowing for resources to be properly allocated.	Conduct a comparable time and cost analysis of previous natural disasters to present natural disasters.

19. Provide the total cost of the project for FY 2018-19 from all sources of funding (Enter ?0? if amount is zero):

Type of Funding	Amount	Percent of Total	Are the other sources of funds guaranteed in writing?
1. Amount Requested from the State in this Appropriations Project Request:	176,250	75.0%	N/A

2. Federal:	0	0.0%	No
3. State: (Excluding the requested Total Amount in #4d, Column F)	0	0.0%	No
4. Local:	58,750	25.0%	Yes
5. Other:	0	0.0%	No
TOTAL	235,000	100%	

20. Is this a multi-year project requiring funding from the state for more than one year?

No

1 A bill to be entitled
 2 An act relating to the Appropriations Project titled
 3 Peace Hubs: Inner City Gun Violence Prevention
 4 Initiative; providing an appropriation; providing an
 5 effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Peace Hubs: Inner City Gun Violence Prevention
 10 Initiative is an Appropriations Project as defined in The Rules
 11 of The Florida House of Representatives and is described in
 12 Appropriations Project Request 1216, herein incorporated by
 13 reference.

14 Section 2. For fiscal year 2018-2019 the nonrecurring sum
 15 of \$2,000,000 from the General Revenue Fund is appropriated to
 16 the Department of Juvenile Justice to fund the Peace Hubs: Inner
 17 City Gun Violence Prevention Initiative as described in
 18 Appropriations Project Request 1216.

19 Section 3. This act shall take effect July 1, 2018.

Appropriations Project Request - Fiscal Year 2018-19

For projects meeting the Definition of House Rule 5.14

1. Title of Project: Peace Hubs: Inner City Gun Violence Prevention Initiative
2. Date of Submission: 11/14/2017
3. House Member Sponsor: Kimberly Daniels
Members Copied:

4. DETAILS OF AMOUNT REQUESTED:

- a. Has funding been provided in a previous state budget for this activity? No
If answer to 4a is ?No? skip 4b and 4c and proceed to 4d, Col. E
- b. What is the most recent fiscal year the project was funded?
- c. Were the funds provided in the most recent fiscal year subsequently vetoed?
- d. Complete the following Project Request Worksheet to develop your request:

FY:	Input Prior Year Appropriation for this project for FY 2017-18 (If appropriated in 2017-18 enter the appropriated amount, even if vetoed.)			Develop New Funds Request for FY 2018-19 (Requests for additional RECURRING funds are prohibited.)		
	Column: A	B	C	D	E	F
Funds Description:	Prior Year Recurring Funds	Prior Year Nonrecurring Funds	Total Funds Appropriated (Recurring plus Nonrecurring: column A + column B)	Recurring Base Budget (Will equal non-vetoed amounts provided in Column A)	Additional Nonrecurring Request	TOTAL Nonrecurring plus Recurring Base Funds (Will equal the amount from the Recurring base in Column D plus the Additional Nonrecurring Request in Column E.)
Input Amounts:					2,000,000	2,000,000

5. Are funds for this issue requested in a state agency?s Legislative Budget Request submitted for FY 2018-19? No
 - 5a. If yes, which state agency?
 - 5b. If no, which is the most appropriate state agency to place an appropriation for the issue being requested? Department of Juvenile Justice
 - 5c. Has the appropriate state agency for administering the funding, if the request were appropriated, been contacted? No
 - 5d. Describe penalties for failing to meet deliverables or performance measures which the agency should provide in its contract to administer the funding if appropriated.
Department of Juvenile Justice and Department of Education

6. Requester:

- a. Name: Gary Johnson
- b. Organization: Southern Christian Leadership Conference
- c. Email: clergyforchange@gmail.com
- d. Phone #: (786)222-7411

7. Contact for questions about specific technical or financial details about the project:

- a. Name: Gary Johnson
- b. Organization: Southern Christian Leadership Conference
- c. Email: clergyforchange@gmail.com
- d. Phone #: (786)222-7411

8. Is there a registered lobbyist working to secure funding for this project?

- a. Name: None
- b. Firm: None
- c. Email:
- d. Phone #:

9. Organization or Name of entity receiving funds:

- a. Name: Southern Christian Leadership Conference
- b. County (County where funds are to be expended): Broward, Duval, Leon, Miami-Dade
- c. Service Area (Counties being served by the service(s) provided with funding): Broward, Duval, Leon, Miami-Dade

10. What type of organization is the entity that will receive the funds? (Select one)

- For Profit
- Non Profit 501(c) (3)
- Non Profit 501(c) (4)
- Local Government
- University or College
- Other (Please describe)

11. What is the specific purpose or goal that will be achieved by the funds being requested?

Repositioning the faith-based community to lead the charge in a proactive approach to end inner city gun violence in high crime communities throughout Florida. The funding for this program will be used to expand PEACE HUBS in the most critical high crime, high murder rate and high at-risk youth crime prevention areas of Broward, Duval, Leon and Miami-Dade County.

12. Provide specific details on how funds will be spent. (Select all that apply)

Spending Category	Description	Nonrecurring (Should equal 4d, Col. E) Enter ?? if request is zero for the category
Administrative Costs:		
<input checked="" type="checkbox"/> a. Executive Director/Project Head Salary and Benefits	A portion of this funding will be used for the salary for the Executive Director, Program Manager, Community Liasion and Outreach Coordinator. No more than \$25,000 will be used for each salaried position.	250,000
<input type="checkbox"/> b. Other Salary and Benefits		
<input checked="" type="checkbox"/> c. Expense/Equipment/Travel/Supplies/Other	This funding will be used for purchasing supplies, including but not limited to educational materials related to reducing gun violence among, travel to regional Peace Hubs, along with necessary equipment purchases for faith based centers.	250,000
<input type="checkbox"/> d. Consultants/Contracted Services/Study		

Operational Costs:		
<input checked="" type="checkbox"/> e. Salaries and Benefits	This funding will be used to hire two (2) full-time mental health counselors, three (3) conflict resolution counselors and (2) part-time former law enforcement agents in each region to provide counseling for victims of gun violence in high crime, murder and youth crime areas.	500,000
<input checked="" type="checkbox"/> f. Expenses/Equipment/Travel/Supplies/Other	Funding will be used for mini-grant awards, regional summits along with providing instructional supplies for individuals, families, law enforcement, faith based and academia impacted by gun violence in high crime, murder & violent youth areas.	1,000,000
<input type="checkbox"/> g. Consultants/Contracted Services/Study		
Fixed Capital Construction/Major Renovation:		
<input type="checkbox"/> h. Construction/Renovation/Land/Planning Engineering		
TOTAL		2,000,000

13. For the Fixed Capital Costs requested with this issue (In Question 12, category ?h. Fixed Capital Outlay? was selected), what type of ownership will the facility be under when complete? (Select one correct option)

N/A

14. Is the project request an information technology project?

No

15. Is there any documented show of support for the requested project in the community including public hearings, letters of support, major organizational backing, or other expressions of support?

No

16. Has the need for the funds been documented by a study, completed by an independent 3rd party, for the area to be served?

No

17. Will the requested funds be used directly for services to citizens?

Yes

17a. What are the activities and services that will be provided to meet the purpose of the funds?

The Southern Christian Leadership Conference will rollout four pilot PEACE HUBS in the most critical areas of Broward, Duval, Leon and Miami-Dade County. The program will be evaluated every 90 days and report to the assigned state agency regarding progress in reducing gun violence.

17b. Describe the direct services to be provided to the citizens by the funding requested.

Through collaboration at the county, state and federal levels, the Southern Christian Leadership Conference will implement the PEACE HUB model throughout the nation by partnering with local churches in the most effected gun violence areas of the state.

17c. Describe the target population to be served (i.e., "the majority of the funds requested will serve these target populations or groups.").

Select all that apply to the target population:

- Elderly persons
- Persons with poor mental health
- Persons with poor physical health
- Jobless persons
- Economically disadvantaged persons
- At-risk youth
- Homeless
- Developmentally disabled
- Physically disabled
- Drug users (in health services)
- Preschool students
- Grade school students
- High school students
- University/college students
- Currently or formerly incarcerated persons
- Drug offenders (in criminal Justice)
- Victims of crime

- General (The majority of the funds will benefit no specific group)
- Other (Please describe)

17d. How many in the target population are expected to be served?

- < 25
- 25-50
- 51-100
- 101-200
- 201-400
- 401-800
- >800

18. What benefits or outcomes will be realized by the expenditure of funds requested? (Select each Benefit/Outcome that applies)

Benefit or Outcome	Provide a specific measure of the benefit or outcome	Describe the method for measuring level of benefit
<input type="checkbox"/> Improve physical health		
<input type="checkbox"/> Improve mental health		
<input checked="" type="checkbox"/> Enrich cultural experience	By reducing gun violence in low-income, high poverty areas of Broward, Duval, Leon and Miami-Dade County, local governments can focus on economic development in their respective community	Analyzing crime data from the FBI, FDLE, and local County statistics and report progress of reduced gun violence every 90 days to respective state agencies.
<input type="checkbox"/> Improve agricultural production/promotion/education		
<input checked="" type="checkbox"/> Improve quality of education	By educating communities about the impact of gun violence, through a faith-based initiative, and working with law enforcement & academia, we will be able stop crimes by showing how it impacts communities, families and quality of life.	Analyzing crime data, economic development data along with academic data to educate low-income, high poverty and high crime areas about the impact of gun violence.

<input type="checkbox"/> Enhance/preserve/improve environmental or fish and wildlife quality		
<input type="checkbox"/> Protect the general public from harm (environmental, criminal, etc.)		
<input checked="" type="checkbox"/> Improve transportation conditions	By educating communities about the impact of gun violence, through a faith-based initiative, and working with law enforcement & academia, we will be able stop crimes by showing how it impacts communities, families and quality of life.	Analyzing crime data, economic development data along with academic data to educate low-income, high poverty and high crime areas about the impact of gun violence.
<input type="checkbox"/> Increase or improve economic activity		
<input type="checkbox"/> Increase tourism		
<input checked="" type="checkbox"/> Create specific immediate job opportunities	By hiring mental health counselors, conflict resolution managers and former law enforcement agents, we will be able to work within communities impacted by gun violence.	We will monitor all progress and report every 90 days to the proper state agency regarding our hiring practices and the impact our work has on reducing gun violence.
<input type="checkbox"/> Enhance specific individual's economic self sufficiency		
<input checked="" type="checkbox"/> Reduce recidivism	By educating low-income, high poverty, high crime, high murder and high youth crime communities, we will reduce recidivism by giving less fortunate individuals a way out.	Our mental health, conflict resolution managers and former law enforcement agents will report to the proper state agency about the work being done to reduce recidivism.
<input checked="" type="checkbox"/> Reduce substance abuse	By educating low-income, high poverty, high crime, high murder and high youth crime communities, we will also reduce their dependency on	Analyze drug arrests and gun violence statistics in each region of operation while also reporting progress to the respective state

	illegal drugs and provide substance abuse counseling to known abusers in the community.	agency every 90 days regarding our impact and benefit to communities.
<input checked="" type="checkbox"/> Divert from Criminal/Juvenile justice system	By educating the youth about gun violence through trusted academic, law enforcement, faith based and community programs, we will reduce crime among at-risk youth through the regions served.	Monitor and report findings to the Department of Juvenile Justice every 90 days to show progress and impact with at-risk youth in low-income, high crime areas of the state.
<input type="checkbox"/> Improve wastewater management		
<input type="checkbox"/> Improve stormwater management		
<input type="checkbox"/> Improve groundwater quality		
<input type="checkbox"/> Improve drinking water quality		
<input type="checkbox"/> Improve surface water quality		
<input type="checkbox"/> Other (Please describe):		

19. Provide the total cost of the project for FY 2018-19 from all sources of funding (Enter ?0? if amount is zero):

Type of Funding	Amount	Percent of Total	Are the other sources of funds guaranteed in writing?
1. Amount Requested from the State in this Appropriations Project Request:	2,000,000	81.6%	N/A
2. Federal:	0	0.0%	No
3. State: (Excluding the requested Total Amount in #4d, Column F)	0	0.0%	No
4. Local:	100,000	4.1%	No

5. Other:	350,000	14.3%	Yes
TOTAL	2,450,000	100%	

20. Is this a multi-year project requiring funding from the state for more than one year?

Yes

20a. How much state funding would be requested after 2018-19 over the next 5 years?

- <1M
- 1-3M
- >3-10M
- >10M

20b. How many additional years of state support do you expect to need for this project?

- 1 year
- 2 years
- 3 years
- 4 years
- >= 5 years



20c. What is the total project cost for all years including all federal, local, state, and any other funds? Select the single answer which best describes the total project cost. If funds requested are for ongoing services or for recurring activities, select ?ongoing activity?.

- Ongoing activity ? no total cost
- <1M
- 1-3M
- >3-10M
- >10M

PCB JUA 18-01
Relating to Judges

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB JUA 18-01 Relating to Judges
SPONSOR(S): Justice Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee		Smith 	Gusky 

SUMMARY ANALYSIS

The Supreme Court issued Order No. SC17-1936, dated November 22, 2017, certifying the need for two additional circuit court judges, two additional county court judges, and decertifying the need for 13 county court judges.

In accordance with the Supreme Court's order, PCB JUA 18-01 establishes two new circuit court judgeships, two new county court judgeships, and decertifies 13 existing county court judgeships.

The PCB specifies the created judicial offices must be filled through the electoral process in the 2018 general election and not by gubernatorial appointment. Additionally, the PCB provides guidelines for the elimination of the decertified judicial offices.

The PCB would result in a net reduction of state expenditures by:

- \$900,262 in FY 2018-19,
- \$955,852 in FY 2019-20,
- \$286,353 in FY 2020-21, and
- \$286,353 in FY 2021-22.

The PCB conforms to the FY 2018-2019 proposed House General Appropriations Act.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Certification of Need for Additional Judges

Section 9, Article V of the State Constitution requires the Florida Supreme Court to recommend to the Legislature the need for additional judges.¹ To determine a need for trial court judgeships, the Office of State Courts Administrator (OSCA) relies on an analysis of weighted caseload filings per judge. In 1999, at the request of the Florida Legislature, OSCA contracted with the National Center for State Courts (NCSC) to develop and validate a Delphi-based Weighted Caseload System.²

The weighted caseload system assigns a time value to cases by their case type, based on the various kinds and complexity of the cases that are filed. The case type time value, or case weight, establishes an approximate workload value per case filing by case type, which is used to determine the number of judges required to handle these cases. The weighted caseload system is revised periodically to account for changes in procedure and case complexity. The system was updated by OSCA and NCSC in 2007 and most recently in 2016.

The Supreme Court issued Order No. SC17-1936, dated November 22, 2017, in regard to the Certification of Need for Additional Judges.³ In the certification, the court recommended 2 new circuit judgeships, 2 new county judgeships, and the decertification of 13 existing county court judgeships.

Effect of the Proposed Bill

PCB JUA 18-01 establishes, effective January 8, 2019:

- 2 new circuit court judgeships in the Ninth Judicial Circuit (Orange and Osceola counties), and
- 2 new county court judgeships in Hillsborough County.

The PCB also eliminates the following decertified existing county judgeships upon the expiration of the next judicial term, as provided in s. 9, Article V of the State Constitution:

- Alachua County - one
- Brevard County - three

¹ Section 9, Article V, State Constitution, states:

Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its findings and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.

² National Center for State Courts, *Florida Judicial Workload Assessment Final Report*, Office of the State Courts Administrator (May 16, 2016), <http://www.flcourts.org/core/fileparse.php/558/urlt/Final-Florida-Judicial-Workload-Assessment-Final-report.pdf>

³ *Certification of Need for Additional Judges*, SC17-1936 (Fla. SC 2017)

- Charlotte County - one
- Collier County - one
- Escambia County - one
- Leon County - one
- Monroe County - one
- Pasco County - two
- Polk County - one
- Putnam County - one

With the exception of Alachua and Monroe counties, all counties subject to judicial decertification have a sufficient number of terms expiring in January of 2019 to implement the Court's decertification recommendation. The first term will expire for both Alachua and Monroe County in January of 2021.

The PCB specifies that the new judgeships are to be filled through the electoral process in the 2018 general election and not by gubernatorial appointment. Candidates for the circuit and county court judicial offices created in the PCB must qualify as provided in ch. 105, F.S., with the exception that the candidates qualifying under this PCB shall qualify no earlier than noon of the 50th day, and no later than noon of the 46th day, before the primary election.

The PCB directs the Chief Justice of the Supreme Court to determine the specific judicial office(s) to be eliminated in a county subject to decertification if there is a greater number of judicial terms expiring on the same day than the number of judicial offices eliminated.

B. SECTION DIRECTORY:

Section 1. Amends s. 26.031, F.S., establishing new circuit judgeships.

Section 2. Amends s. 34.022, F.S., establishing new county court judgeships and eliminating existing county court judgeships.

Section 3. Provides guidelines for the creation and elimination of the judgeships.

Section 4. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Upon full implementation, the PCB would result in a net reduction of 18 full-time equivalent positions (9 judges and 9 judicial assistants). The PCB's impact on expenditures will be spread over multiple fiscal years due to the expiration of existing judicial terms.

	Certified			Decertified			Net		
	Judgeships	Judicial Assistant FTE	Expense	Judgeships	Judicial Assistant FTE	Expense	Judgeships	Judicial Assistant FTE	Expense
FY 18-19	4	4	\$ 674,677	(11)	(11)	\$ (1,574,939)	(7)	(7)	\$ (900,262)
FY 19-20			\$ 619,087			\$ (1,574,939)			\$ (955,852)
FY 20-21				(2)	(2)	\$ (286,353)	(2)	(2)	\$ (286,353)
FY 21-22						\$ (286,353)			\$ (286,353)
Total	4	4	\$ 1,293,764	(13)	(13)	\$ (3,722,584)	(9)	(9)	\$ (2,428,820)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The cost of county judges and judicial assistants are paid for by the state. Under s. 29.008, F.S., counties are responsible for facilities, security, communications and information technology costs for county and circuit courts. For circuit and county courts receiving additional judges and associated staff, this bill could result in additional costs in these areas. County courts that are losing judges and associated staff may experience reduced costs in these areas.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to judges; amending s. 26.031, F.S.;
3 revising the number of circuit court judges in certain
4 circuits; amending s. 34.022, F.S.; revising the
5 number of county court judges in certain counties;
6 providing for the election of new circuit and county
7 court judges created by the act in the 2018 general
8 election; providing qualifying dates for these
9 positions; providing elimination dates for the
10 decertified positions; providing legislative findings;
11 providing that the circuit and county court judicial
12 offices created by the act constitute vacancies in
13 office for purposes of qualifying for the 2018 general
14 election; providing appropriations and authorizing
15 positions; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (9) of section 26.031, Florida
20 Statutes, is amended to read:

21 26.031 Judicial circuits; number of judges.—The number of
22 circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(9) Ninth.....	<u>45</u> 43

26 Section 2. Subsections (1), (5), (8), (11), (16), (28),
 27 (36), (44), (51), (53), and (54) of section 34.022, Florida
 28 Statutes, is amended to read:

29 34.022 Number of county court judges for each county.—The
 30 number of county court judges in each county shall be as
 31 follows:

32 COUNTY	TOTAL
33 (1) Alachua.....	4 5
34 (5) Brevard.....	8 11
35 (8) Charlotte.....	2 3
36 (11) Collier.....	5 6
37 (16) Escambia.....	4 5
38 (28) Hillsborough.....	19 17
39 (36) Leon.....	4 5
40 (44) Monroe.....	3 4
41 (51) Pasco.....	5 7
42 (53) Polk.....	9 10
43 (54) Putnam.....	1 2

44
 45 Section 3. (1) The Governor may not fill the circuit and
 46 county court judicial offices created in sections 1 and 2 of
 47 this act by appointment, but those offices shall be filled by
 48 election in the 2018 general election pursuant to chapter 105,
 49 Florida Statutes. Candidates for the circuit and county court
 50 judicial offices created in sections 1 and 2 of this act shall

51 qualify as provided in chapter 105, Florida Statutes, except
 52 that candidates qualifying under this act shall qualify no
 53 earlier than noon of the 50th day, and no later than noon of the
 54 46th day, before the primary election.

55 (2) The Legislature finds that an emergency does not exist
 56 and the public business does not require immediate appointment
 57 of the circuit and county court judicial offices created in
 58 sections 1 and 2 of this act.

59 (3) The circuit and county court judicial offices created
 60 in sections 1 and 2 of this act constitute vacancies in office
 61 for purposes of qualifying for the 2018 general election.

62 (4) The terms of the circuit and county court judicial
 63 offices created in sections 1 and 2 of this act shall begin on
 64 January 8, 2019.

65 (5) The county court judicial offices decertified in
 66 section 2 of this act shall be eliminated upon the expiration of
 67 the next judicial term, as provided in s. 9, Article V of the
 68 State Constitution.

69 (6) In the event there are a greater number of county court
 70 judicial offices with terms expiring on the same day than the
 71 number of decertifications, the Chief Justice of the Supreme
 72 Court shall determine which specific county court judicial
 73 offices will be eliminated in each of the counties subject to
 74 judicial decertification.

75 Section 4. This act shall take effect July 1, 2018.