

**Constitution Revision Commission  
Judicial Committee  
Proposal Analysis**

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

Proposal #: P 27

Relating to: JUDICIARY, Administration; practice and procedure

Introducer(s): Commissioners Coxe and Martinez

Article/Section affected:

Date: November 22, 2017

	REFERENCE	ACTION
1.	JU	<b>Pre-meeting</b>
2.	LO	

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**I. SUMMARY:**

A proposal to amend Section 2 of Article V of the State Constitution to authorize the Supreme Court to adopt rules regarding the cross-county assignment of county judges within each judicial circuit.

**II. SUBSTANTIVE ANALYSIS:**

**A. PRESENT SITUATION:**

The Constitution establishes a county court in each of Florida's 67 counties. The number of judges in each county court varies with the population and caseload of the county.<sup>1</sup> The majority of non-jury trials in Florida take place before one judge sitting as a judge of the county court.<sup>2</sup>

To be eligible for the office of county judge, a person must be an elector of the county and must have been a member of The Florida Bar for five years.<sup>3</sup> However, in counties with a population of 40,000 or less, a person must only be a member of The Florida Bar.<sup>4</sup> There is currently no guidance or allowances for trial court judges at the county level to cross jurisdictions within the judicial circuit.

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<sup>1</sup> <http://www.flcourts.org/florida-courts/trial-courts-county.shtml> (last visited on 11/22/17)

<sup>2</sup> *Id.*

<sup>3</sup> Fla. Const. art. V, § 8.

<sup>4</sup> F.S. §34.021

**B. EFFECT OF PROPOSED CHANGES:**

The proposed change will allow the Supreme Court to create and adopt rules that will allow county court judges to be assigned to counties within the same judicial circuit, specifically to address workload issues and will make it possible for circuits to utilize judicial resources in an efficient manner without the limitation of county boundaries.<sup>5</sup> Since county judges are elected from electors in the territorial jurisdiction of the counties they serve issues of representation by the voters could be implicated. The Clerks of the Circuit Court also have concerns regarding technical issues related courtroom availability, staffing, reporting requirements, and litigants, particularly pro se litigants, filing matters in their jurisdiction and coordinating with a judge in a different county jurisdiction who is cross assigned.<sup>6</sup>

**C. FISCAL IMPACT:**

Indeterminate.

**III. Additional Information:****A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

**B. Amendments:**

None.

**C. Technical Deficiencies:**

None.

**D. Related Issues:**

None.

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<sup>5</sup> Judicial Impact Statement from Office of the State Court Administrator on file with the CRC.

<sup>6</sup> See Comments from the Clerks of the Circuit Courts on file with the CRC.