

## **Long-Range Issue #1 – Strengthening Governance and Independence**

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The mission of the Florida judicial branch is to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes. The Constitution of the State of Florida creates the judicial branch along with the legislative and executive branches, and vests the judicial power exclusively in its courts. The American form of government operates at its best when the three branches are in balance, independent and coequal, each able to fully perform its constitutional functions and each respectful of the important roles of the others. *To fulfill its mission, the judicial branch must strengthen its ability to fully function as a coequal and independent branch of government, to govern itself with coherence and clarity of purpose, to manage and control its internal operations, and to be accountable to the people.*

The vision of the judicial branch is that the courts be accessible, fair, effective, responsive, and accountable. To achieve this vision in an era of increasing workloads and limited resources, the branch must govern itself effectively and efficiently. *The judicial branch must have the capacity to develop and implement effective and responsive policies, to deploy its resources efficiently, and to provide transparency and accountability in the management of resources.*

Historically, Florida's judicial branch has had a diffused governance and administrative structure. Numerous commissions, committees, and task forces, some permanent and others ad hoc, have been created to address discrete subject matters or operational areas. These entities frequently have overlapping or redundant jurisdiction, and often do not coordinate with one another. At times they may have competing interests or perspectives, and may ultimately advance conflicting visions within a given policy area. Constitutionally, the chief justice is vested as the chief administrative officer of the branch and serves a two-year term. The manner, selection, and term of service of the chief justice and chief judges for the various circuits and district courts of appeal are established by court rule. However, selection criteria for chief judges vary based on local policy. While some of these courts utilize a rotation system based on seniority, many elect chief judges based on other criteria and they may serve multiple terms. A more permanent and streamlined framework for decision-making and setting policy would benefit the branch as well as court system users and provide for greater consistency and continuity of administration.

While this structure may have been adequate to meet the needs of the judicial branch in the past, the cumulative effects of constitutional amendments, growing complexity of legal and social issues, and increasing fiscal constraints have heightened the need to re-examine this approach to branch governance. Most significantly, in 2004 a funding structure that relied on counties to support many elements of the trial courts was replaced by constitutional amendment with a structure that places greater funding responsibility on the legislature for most operating costs, leaving specified costs with the counties. This change has shifted much of the responsibility for budgeting and accountability for operating resources from the local to the state level.

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The important roles of the chief justice and the supreme court in leading the judicial branch further require that the branch has the capacity to develop and implement policies in a responsive, coherent, and timely manner. Changes in the task environment of the courts, including significant shifts in caseloads, the emergence of various threats to continuance of operations, and unexpected decreases in the availability of resources may require the judicial branch to adopt new or different operating policies. It is important that these policies be developed in a thoughtful, deliberative context, that consultation take place as necessary with the legislative and executive branches, that the judicial branch is able to speak with a clear and consistent voice, and that implementation proceed in a manner that is most beneficial to the people of Florida.

**Goal 1.1: The judicial branch will be governed in an effective and efficient manner.**

***Strategies:***

- 1.1(a) Reform and strengthen the governance and policy development structures of the judicial branch.
- 1.1(b) Implement a governance structure with the capacity to consult with affected constituencies and stakeholders and to produce policies that are responsive, coherent, and timely.
- 1.1(c) Effectuate a governance structure that can implement policies in an efficient and effective manner.

**Goal 1.2: The judicial branch will interact effectively with all parts of government on issues related to the justice system.**

***Strategies:***

- 1.2(a) Strengthen the capacity to regularly communicate with the legislative and executive branches on issues affecting the justice system.
- 1.2(b) Create institutional mechanisms to consult and coordinate activities with justice system partners on issues affecting the justice system.