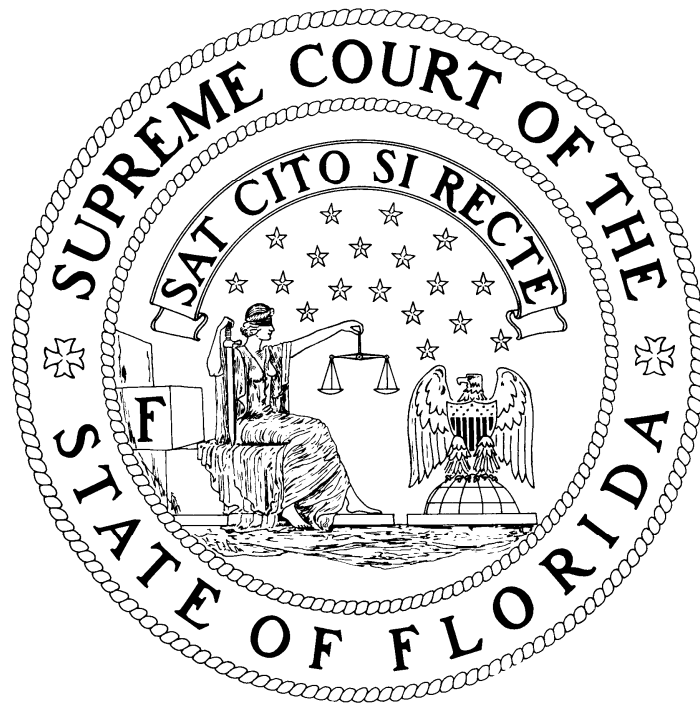


THE JUDICIAL BRANCH OF GOVERNMENT



“The courts shall be open to every person for redress of any injury, and Justice shall be administered without, sale, denial or delay”

Article I, Section 21 of the Florida Declaration of Rights



Vision

To be **accessible**, the Florida justice system will be convenient, understandable, timely, and affordable to everyone.

To be **fair**, it will respect the dignity of every person, regardless of race, class, gender or other characteristic; apply the law appropriately to the circumstances of individual cases and include judges and court staff that reflect the community's diversity.

To be **effective**, it will uphold the law and apply rules and procedures consistently and in a timely manner, resolve cases with finality, and provide enforceable decisions.

To be **responsive**, it will anticipate and respond to the needs of all members of society, and provide a variety of dispute resolution methods.

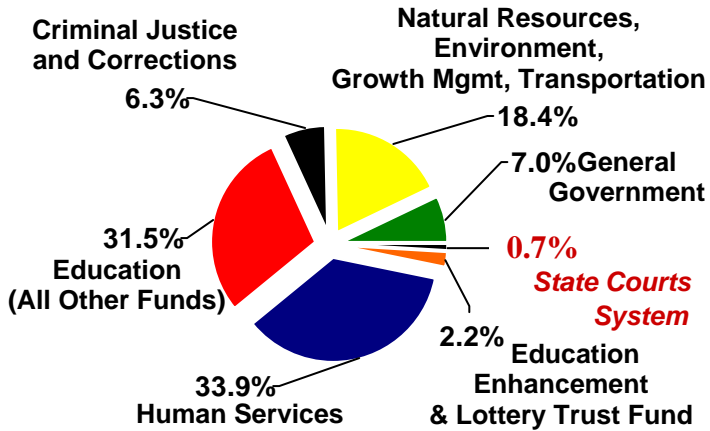
To be **accountable**, the Florida justice system will use public resources efficiently, and in a way that the public can understand.

Budgets

Florida's Budget

Fiscal Year 2007-2008

\$71,494,143,896

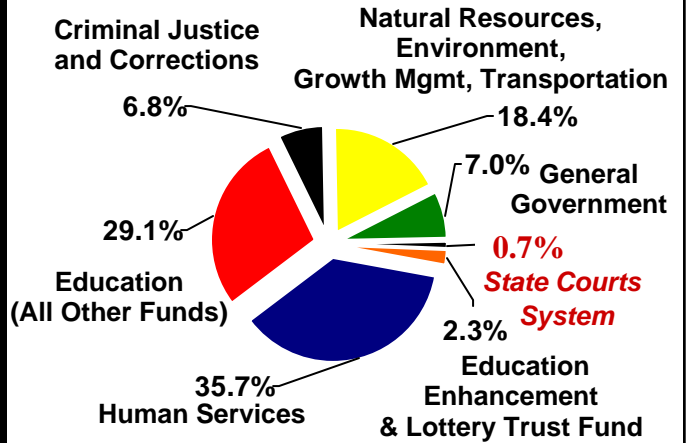


Florida's Budget

Fiscal Year 2008-2009

After Special Session A & Governor's Vetoes

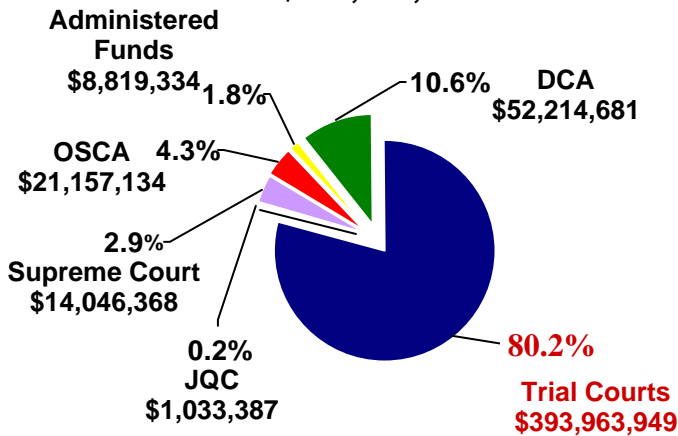
\$65,345,539,598



State Courts System's Budget

Fiscal Year 2007-2008 (Effective 7/1/07)

\$491,234,853

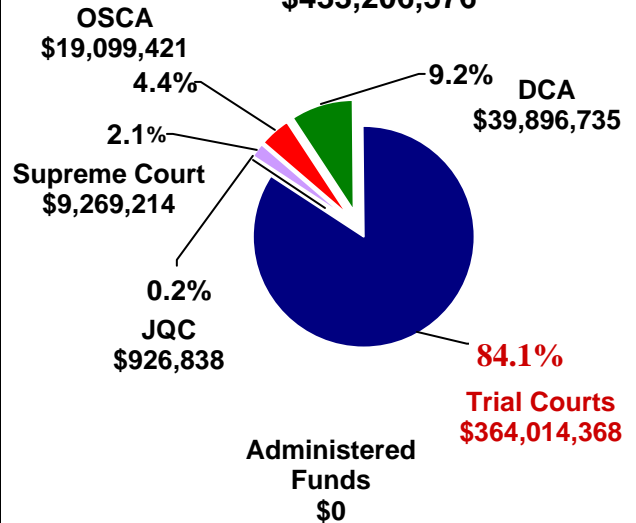


State Courts System's Budget

Fiscal Year 2008-2009

After Special Session A

\$433,206,576



BUDGET CUTS IMPEDE
COURT'S ABILITY TO ENSURE JUSTICE IS SERVED

Given the economic picture, it's likely the state of Florida is not yet done with cutting its budget, even after serious and painful reductions the last two years. Government certainly must live within its means, just as its citizens do, but some government functions must be preserved, including the rule of law.

Special Session A, January 5th-16th, 2009 Budget Reductions

- * **FY 2008-09 – \$16 million reduction in recurring general revenue**
 - **\$11 million added back into newly created State Courts Revenue Trust Fund**
 - **\$5 million net reduction, or 1.25 percent**

Cuts made prior to July 1, 2008

- * **FY 2007-08 – \$26 million in recurring general revenue (6 percent)**
- * **FY 2008-09 – \$18 million in recurring general revenue (4 percent)**
- * **Two-year total – \$44 million in recurring general revenue (10 percent) and 280 jobs**

Special Session A Overview

The budget compromise reached by state lawmakers in Special Session A had good news for Florida's courts.

The court system sustained a 1.25 percent reduction rather than the 4 percent reduction that was contemplated at one point, avoiding another round of massive staff reductions.

Although the courts lost nearly \$15.9 million in general revenue funds from their budget, most of those reductions were then restored through trust fund dollars. The final cut to the courts, then, was just over \$5 million.

More good news came with the Legislature's decision to create a new State Courts Revenue Trust Fund, the first step in implementing the courts' plan for stabilizing court funding. It was through this fund that the courts were shielded from deeper cuts.

The Senate and House differed on the source of revenue for this new trust fund. The Senate proposed using filing fees and the House proposed using fines. The House prevailed on this point, which leaves an issue that must be addressed during the 2009 regular session. The judicial branch does not want a return to the perception or opportunity for cash register justice, which was why it pressed for approval of the Senate proposal. House and Senate members have indicated their willingness to address this concern during the 2009 regular session.

Cases continue to increase

The work of the district courts and trial courts continues to grow. Overall, **4.5 million cases** were filed in the trial courts last year, **up 12 percent from two years ago**. The latest statistics show the following increases in specific areas (from FY 05-06 to FY 07-08):

- capital murder has increased by 20 percent
- robbery has increased by 47 percent
- small claims cases have increased by 40 percent
- civil cases up to \$15,000 have increased by 37 percent
- contract cases increased by 42 percent
- real property / mortgage foreclose has **increased by 365 percent!**

In the district courts, Criminal Post Conviction filings have increased by 15 percent over the last 4 years (5 percent increase from 06/07 to 07/08). This increase is a direct result of the increase in prison admissions in the last 4 years of 29% (approximately 10 percent from 06/07 to 07/08).

Florida's courts must have the capacity to process the cases coming to them, or their ability to deliver justice will be significantly impacted.

Impact of Cuts

If cuts continue to be made, significant alterations in the deployment of judicial resources will occur.

Cases would be prioritized, with criminal cases and family cases that have mandated time-frames being heard first.

- Further layoffs of staff will significantly impair court operations, forcing citizens to wait substantially longer for court action.
- Civil traffic hearing officers are being eliminated, slowing disposition of these cases.
- With criminal and certain family cases getting priority, significant delays will be seen in many civil cases. **Businesses across all sectors would be impacted:**
 - * Banks, title companies, real estate brokers, and other related industries would see delays in foreclosures, guardianship cases, estate settlements, bank access to property determinations, and real estate transactions.
 - * Business contract disputes would take longer to resolve.
 - * Landlords seeking to evict tenants who don't pay their rent would have to wait longer to regain possession of their property.
 - * Workers' compensation cases would be delayed, increasing the bottom line cost to employers in terms of time spent, benefits paid and attorney fees.

Due Process

Essential to the rule of law is the concept that people are constitutionally entitled to judicial due process when their liberty or other fundamental rights are at stake.

- when they face jail time
- when they face losing custody of their children
- when they face institutional commitment without their consent

A person facing these possibilities is entitled to essential elements of the court system before the authority of the state may be brought to bear. Such services include:

- court reporting services
- language interpretation

If the courts are forced to cut their budgets for these due process services, criminal and family cases cannot move through the system. The courts will be unable to comply with speedy trial requirements or process family matters on a timely basis. As a result:

- local jail overcrowding will increase
- trials cannot occur; forcing release of those accused of crimes
- children will remain in foster care longer

The legislature can fund the machinery of the judicial system, but without the “fuel” of due process services, the wheels of the judicial machine will not turn.

Efficient, Accountable and Innovative

Florida’s court system operates efficiently. Our state has fewer trial judges, on a per capita basis, than many other large states. In fact, some states have twice as many judges per 100,000 population:

- Georgia – 10.7 judges per 100,000 population
- Texas – 10 judges per 100,000 population
- New Jersey – 8.9 judges per 100,000 population
- Pennsylvania – 8.2 judges per 100,000 population
- National average – 7.3 judges per 100,000 population
- **Florida – 4.5 judges per 100,000 population**

Many states spend far more on their courts than Florida does. According to the latest available figures (FY 03-04), states spent **an average 1.81 percent** of their total budget on state courts. Florida at that time spent just 0.5 percent of its budget. Although Florida's courts now have a 0.7 percent slice of the budget, that's still **less than half of the national average**.

Florida's court system manages its workload in a cost-effective and productive way by utilizing many professionals:

**judicial assistants*staff attorneys*court administrators
*magistrates*hearing officers*case managers*mediators*

In a variety of ways, these court professionals allow judges to focus their time effectively on the cases that come before them to help ensure that the people who turn to the courts are well and expeditiously served. They also provide for **accountability** with the branch and foster **innovation**, both of which **improve the delivery of justice**.

The Florida Constitution requires a systematic and uniform assessment of the need for new judges. Florida first adopted a case-weighting methodology in 1999, becoming one of the very few states to try to use sophisticated evaluation techniques when analyzing judicial workload. The analysis is continually reviewed and improved.

In the last five years, just 32 percent of the new judgeships needed in Florida to handle the workload have been funded by the legislation. This year, the branch needs 61 more judges to properly handle the demands placed on the courts by our citizens.

Uniformity: Justice for All Floridians

Just four years ago, the Legislature budgeted \$112 million to fulfill **the will of voters and implement the constitutional requirement of budgetary unification of Florida's courts system**. This eliminated the fiscal fragmentation that had existed for so many years, with poorer counties being short-changed in the quality and availability of court services.

Two branches of our government – the court system and state lawmakers – worked long and hard and **together** to establish the baseline of court functions necessary to meet the needs of our citizens.

Some 1,200 positions were shifted from county funding to state funding to better ensure equal justice from one end of Florida to another. Now, the branch has faced cutting almost as many positions, a reduction in workforce that could push the whole system back 30 years.

Seven Principles for Stabilizing Court Funding

In order to maintain the timely administration of justice and to preserve the viability of the court system, new budgeting practices must be adopted to better stabilize the operations of the courts during times of economic crisis. Outlined below are seven principles for stabilizing court funding. These principles are offered to address both the immediate crisis and solutions for long-term, sustainable funding stability for a truly unified state courts system.

- 1) The elements of the State Courts System codified in section 29.001, Florida Statutes, should be adequately funded by the State to ensure the guarantee of court access by Florida's citizens.**
- 2) Court fees assessed and paid by Florida's citizens to access their court system should be dedicated to the court system, as already provided for by state law.**
- 3) Unless adequate safeguards are in place, court-related revenue other than filing fee revenue (revenue derived from fines, service charges, and costs) should not be dedicated to court funding but used to support other justice system partners.**
- 4) All current court-related revenue being collected should be reevaluated to determine what portion of current filing fee revenue should be dedicated to court funding.**
- 5) Additional or increased filing fees should be considered, but only after an adequate review of the distribution of the current filing fee revenue has been made.**
- 6) Some components of the State Courts System are more appropriately funded from the general fund and should remain so.**
- 7) State Court Trust Funds are the appropriate depositories for court filing fee revenue.**

Courts Touch Everyone

Florida's court system touches millions of lives. Each of the more than 4 million cases filed in Florida's trial courts last year represents at least one Floridian with a serious need for justice:

victims of crime ... people accused of crimes / couples in the throes of divorce ... families grappling with custody / abused and neglected children ... vulnerable elders / drivers who break traffic laws ... those they hurt and endanger / business owners ... homeowners ... landlords and tenants / neighbors with disputes and consumers with small claims.

The overall opinion of most Floridians – 56 percent in a survey of more than 2,000 adults this January and February – was good, very good or excellent. Only 13 percent had a poor opinion. We must maintain and improve upon this level of confidence. When asked the top issue facing the court system, the most common answer – given by 15 percent of those surveyed – was that the system was too crowded and the volume of cases too high. We must not go backwards.

Prioritizing ... Preserving Core Functions

“We’ll determine what the most important things are to fund first – from my perspective, it’s education and public safety.”

--- Gov. Charlie Crist
March 11, 2008

“We call on the leadership of Florida to protect our state’s citizens, especially the young and the old who are most vulnerable, by preserving core functions, the rule of law, public safety and public health. Yet nothing, no program or government function, should remain immune from efficiency and productivity improvements, which will save money and better deliver the services to those who need and use them the most.”

--- Florida TaxWatch President Dominic Calabro
March 11, 2008

“As Chief Financial Officer, in managing the Department of Financial Services and serving on the Florida Cabinet, I see on a daily basis the critical role of the judiciary in protecting Floridian’s health, safety and welfare. I share your concern that the proposed budget reductions are of such a magnitude that they will significantly undermine the ability of the judicial branch to carry out its duties.”

--- CFO Alex Sink
August 7, 2008

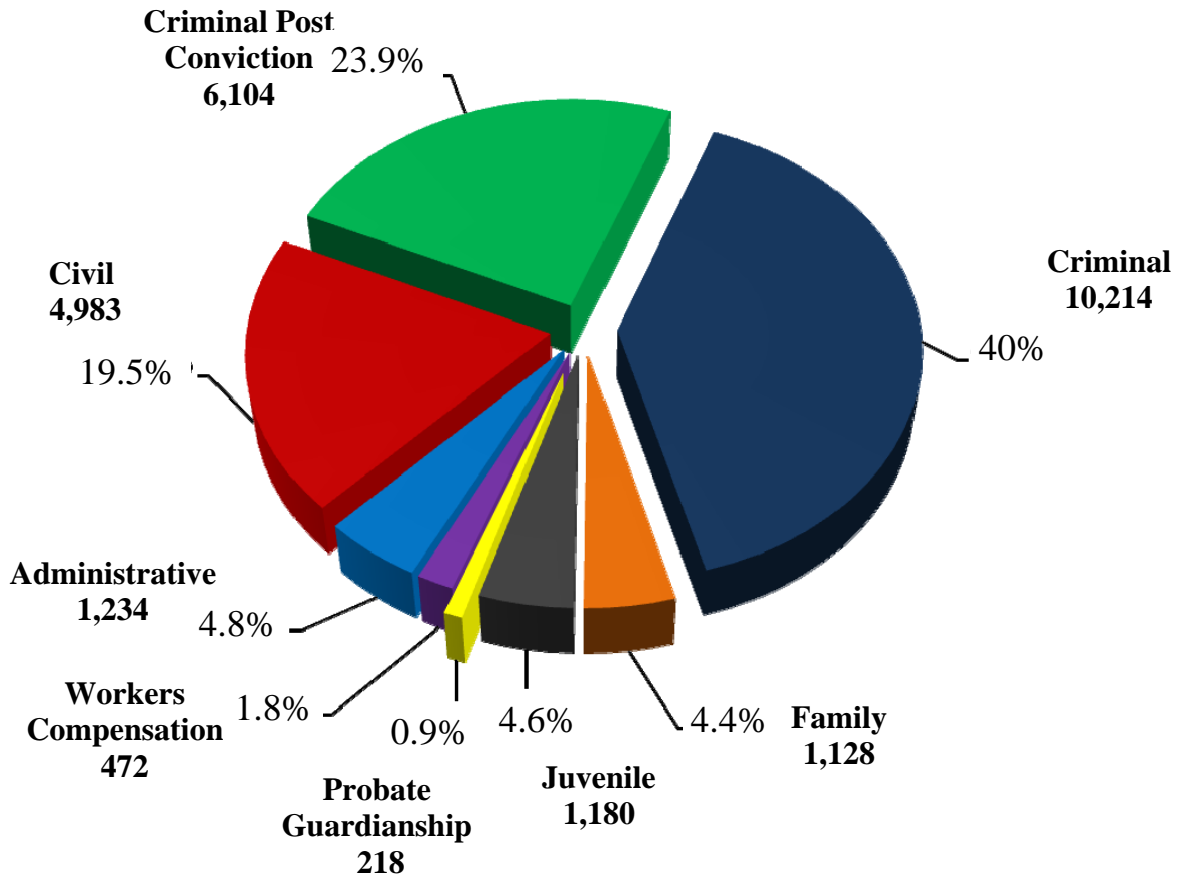
The court system is an integral part of the justice system and is essential for public safety. State budgetary difficulties must not impede the court from upholding its constitutional obligations to Florida’s citizens, businesses, and communities.

The court system budget is only 0.7 percent of the budget for state government, a small amount to be paid to honor fundamental expectations of government:

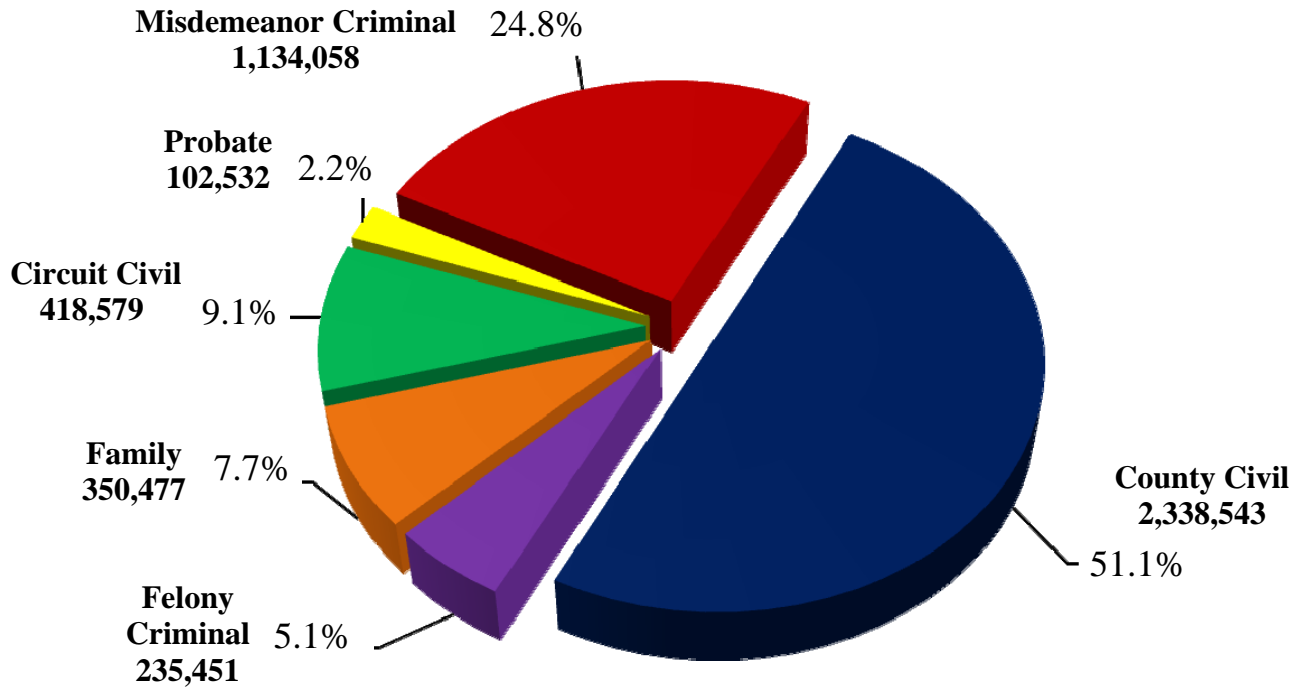
- * to protect Floridians’ rights and liberties**
- * to ensure that the law is upheld and correctly interpreted**
- * to provide for the peaceful resolution of dispute**

2007-2008 CASE FILINGS

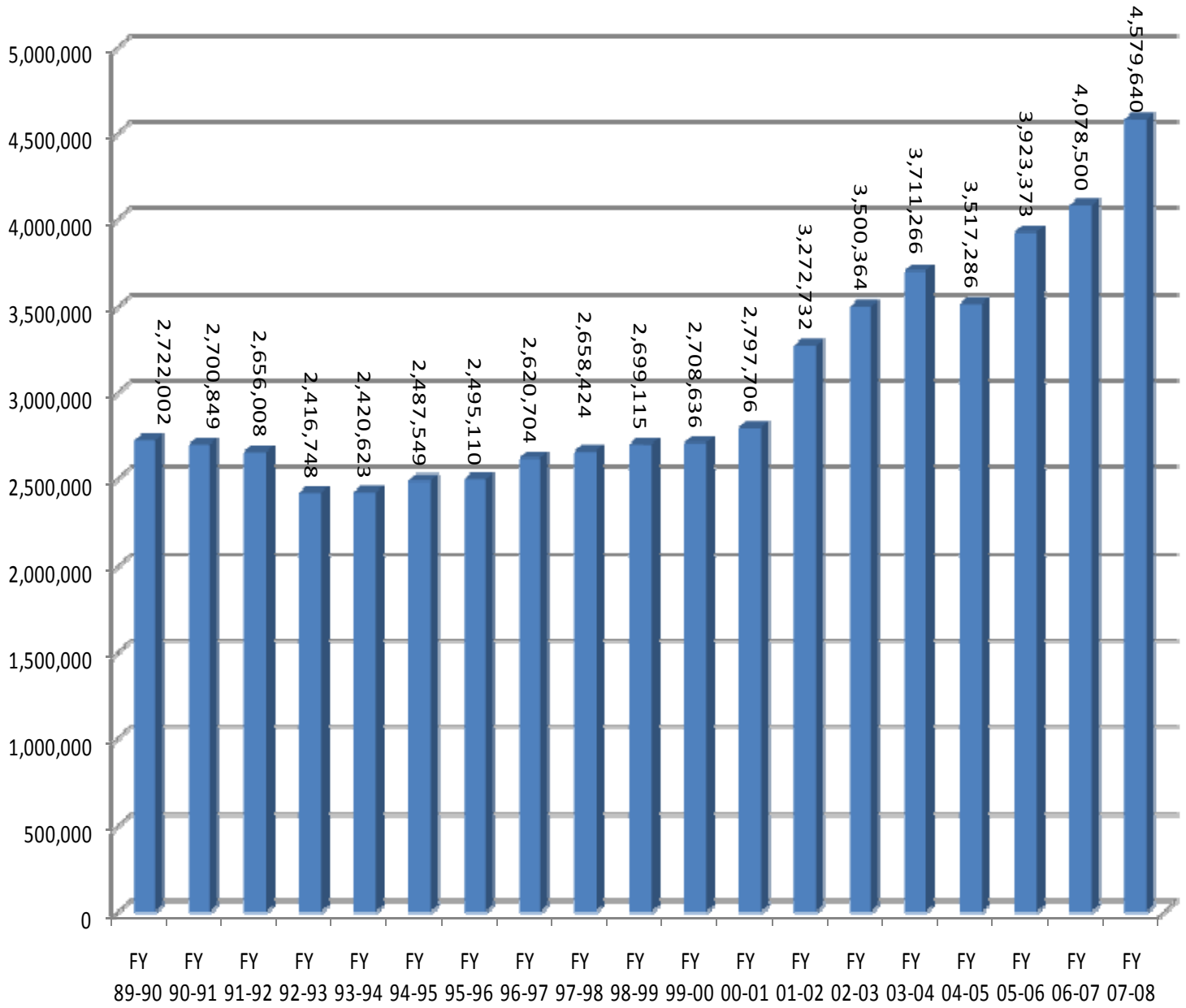
DCA



Circuit/County



Florida's Trial Court Filings



Court Structure

Appellate Courts

Supreme Court

- *Seven justices, six-year terms
- *Sits in Tallahassee
- *Five justices constitute a quorum

District Courts of Appeal

- *61 judges, six-year terms
- *Five districts:
 - 1st District Tallahassee: 15 judges
 - 2nd District Lakeland: 14 judges
 - 3rd District Miami: 10 judges
 - 4th District West Palm Beach: 12 judges
 - 5th District Daytona Beach: 10 judges

- *Cases generally reviewed by three-judge panels

Positions– In fiscal year 1995-96 the legislature authorized 892 staff positions. In fiscal year 2004-05, the year of Revision 7, the legislature authorized 2,206.5 staff positions. For the previous fiscal year 2007-08 the legislature authorized 3,408.5 staff positions. In the current fiscal year of 2008-09, the legislature has authorized 3,140.25 staff positions. These numbers **do not** include Judges (989).

Courtrooms- Almost 900 courtrooms are utilized in the state of Florida.

Court Interpreters- Court Interpreters provide services in over 50 different languages around the state.

Trial Courts

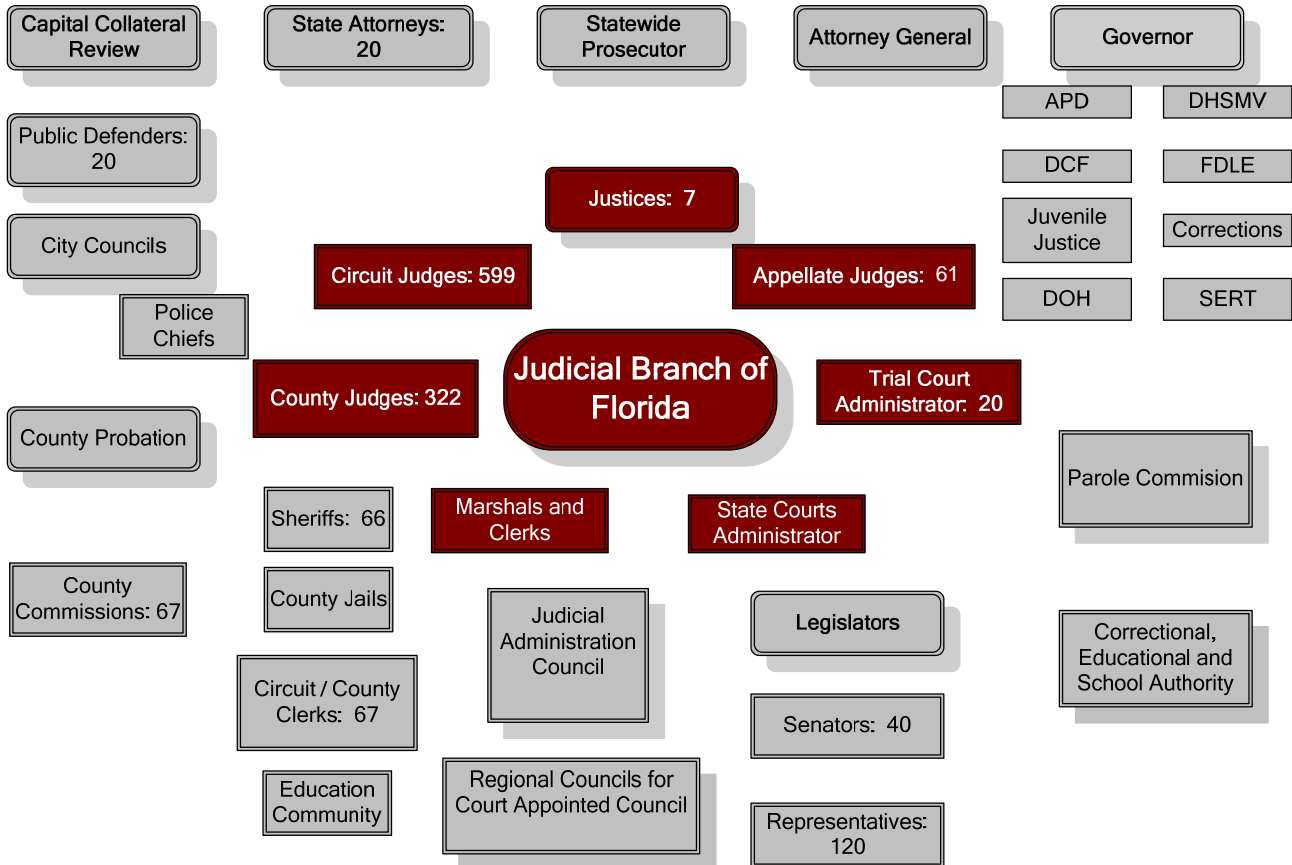
Circuit Courts

- *599 judges, six-year terms
- *20 judicial circuits
 - *Number of judges in each circuit based on caseload
 - *Judges preside individually, not on panels

County Courts

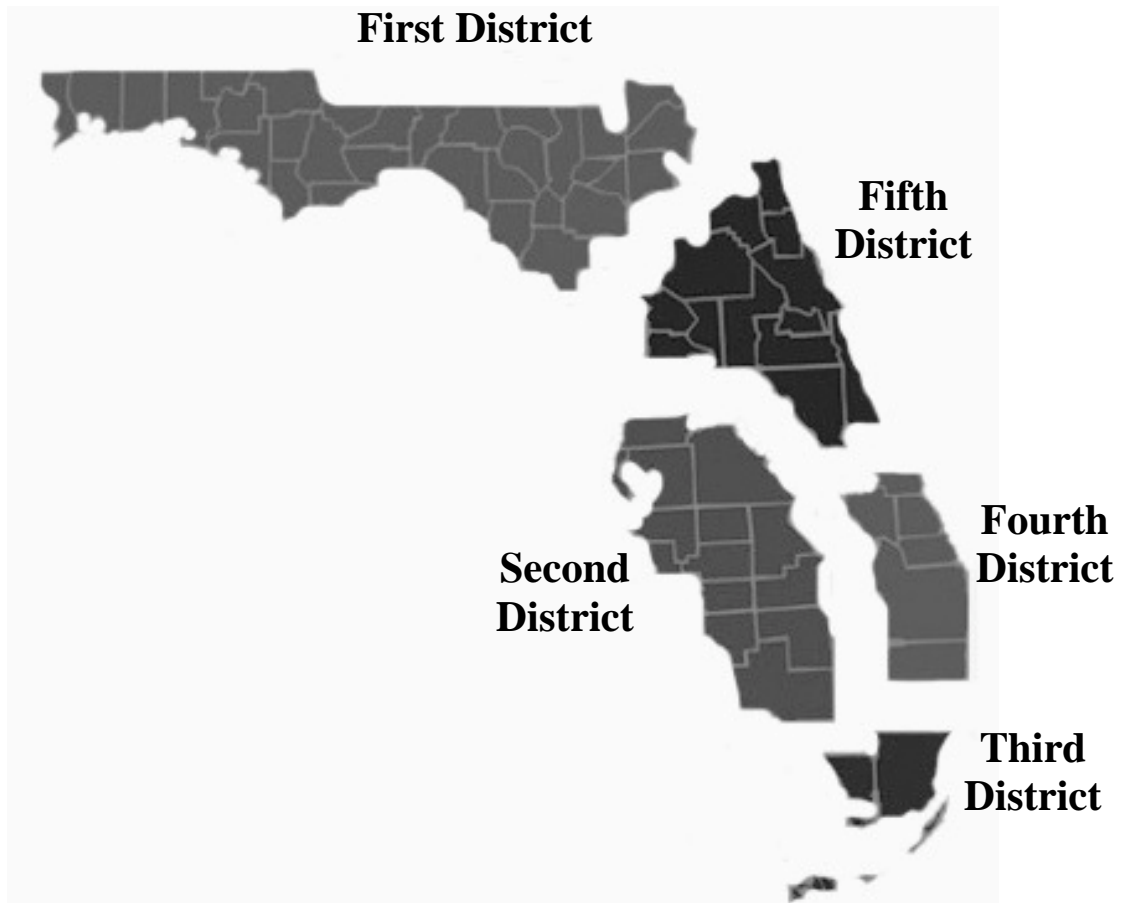
- *322 judges, six-year terms
- *At least one judge in each of the 67 counties
- *Judges preside individually, not on panels

Florida's Justice System Serves the People



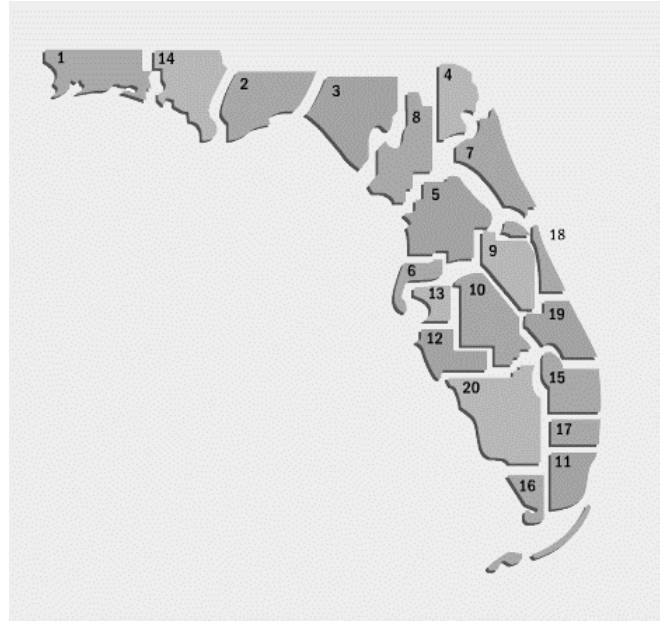
Florida's Justice system is made up of a wide range of independent, state, and local constitutional authorities, executive agencies and contract service providers who depend on Florida's court system.

Florida's Districts



Districts	Counties within each DCA
1st	Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton and Washington
2nd	Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota
3rd	Miami-Dade and Monroe
4th	Broward, Indian River, Martin, Okeechobee, Palm Beach and St. Lucie
5th	Brevard, Citrus, Flagler, Hernando, Lake, Marion, Orange, Osceola, Putnam, Seminole, St. Johns, Sumter and Volusia

Florida's Circuits



Circuit	Counties within
1 st	Escambia, Okaloosa, Santa Rosa and Walton
2 nd	Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla
3 rd	Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee and Taylor
4 th	Clay, Duval and Nassau
5 th	Citrus, Hernando, Lake, Marion and Sumter
6 th	Pasco and Pinellas
7 th	Flagler, Putnam, St. Johns and Volusia
8 th	Alachua, Baker, Bradford, Gilchrist, Levy, and Union
9 th	Orange and Osceola
10 th	Hardee, Highlands, and Polk
11 th	Miami-Dade
12 th	DeSoto, Manatee, and Sarasota
13 th	Hillsborough
14 th	Bay, Calhoun, Gulf, Holmes, Jackson and Washington
15 th	Palm Beach
16 th	Monroe
17 th	Broward
18 th	Brevard and Seminole
19 th	Indian River, Martin, Okeechobee and St. Lucie
20 th	Charlotte, Collier, Glades, Hendry and Lee

Justice in Florida will be accessible, fair, effective, responsive and accountable.

“The work of the Florida Supreme Court in establishing a **performance** and **accountability** system for all courts in the state deserves mention. It has, perhaps, made more progress in reducing the goals of fairness, timeliness, and consistency to writing and offers some concrete products for other courts to consider” *Hanson Rogers, Jurisdiction, Caseload, and Timeliness of State Supreme courts National Center for State Courts.*

“Florida’s innovations, groundbreaking achievements, and overall excellence have been touted by the National Center for State Courts, the American Bar Association, and others. Since the 1970s, Florida has led the way in openness of court proceedings and records: access to justice for litigants without attorneys; innovations to reduce time spent on jury duty; efficiency and timeliness in processing a large volume of cases; and drug courts that save money – and lives! Adequate compensation is an essential component of continuing this tradition.” *Reported by Florida Tax Watch*

Page intentionally left blank



**PUBLISHED BY:
THE OFFICE OF THE STATE COURTS ADMINISTRATOR
ELISABETH H. GOODNER, STATE COURT ADMINISTRATOR**

**FOR MORE INFORMATION, CALL
(850) 922-5692
OR EMAIL: JOHNSONB@FLCOURTS.ORG**

MARCH 18, 2009