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The 2004-2006 Operational Plan for the Florida Judicial Branch

HORIZON 2006

I. Clarifying the Role of the Courts	1
<i>A. Judicial Independence</i>	1
<i>B. Court Functions</i>	2
<i>C. Intergovernmental Relations</i>	3
<i>D. Community Collaboration</i>	4
II. Improving the Administration of Justice	5
<i>A. Court Funding</i>	5
<i>B. Performance and Accountability</i>	6
<i>C. Court Resources</i>	7
<i>D. Due Process Service Delivery and Utilization</i>	9
<i>E. Juror Utilization</i>	10
<i>F. Technology</i>	11
<i>G. Families, Children and At-Risk Parties</i>	13
III. Supporting Competence and Quality	15
<i>A. Judicial Education</i>	15
<i>B. Court Staff Education</i>	17
<i>C. Professional Certification</i>	18
<i>D. Workforce Review</i>	19
IV. Enhancing Public Access and Service	20
<i>A. Meaningful Access</i>	20
<i>B. Electronic Access to Court Records</i>	21
V. Building Public Trust and Confidence	22
<i>A. Communication Plan</i>	22
<i>B. Public Involvement</i>	23

A MESSAGE FROM THE CHIEF JUSTICE

I begin my tenure as chief justice with the honor of being the first chief justice to preside over a truly unified state courts system. Much of my agenda for the immediate future has been predetermined by the fact that July 1, 2004 also marked the first day of state funding of our trial court systems under the amendment to Article V of Florida's constitution known as "Revision 7." Revision 7 is not merely a switch from county funding to state funding of many trial court operations. To reduce it to these terms does not begin to convey the complex work the trial courts must now commence in order to operate effectively as payrolls switch hands, as organizational charts are written, and as previous budget practices must change to reflect state requirements and oversight by the Trial Court Budget Commission.

The people of Florida have benefited from an *organizationally unified* court system since 1972. Yet the court system was *fiscally* fragmented, resulting in disparities in the quality and availability of court services among the counties. Simply put, richer counties could provide better judicial services than poorer ones. In 1998, the voters approved a constitutional amendment, Revision 7, to place greater responsibility on the state for trial court funding. With the passage of the Fiscal Year 2004-05 General Appropriations Act, the legislature began the second stage of court unification – *budgetary* unification. In the final stage, the judicial branch must carefully and deliberately implement Revision 7, stabilizing administrative functions such as in finance and personnel activities to achieve the *operational* unification that will ensure that the people of Florida enjoy a high-quality court system in every courthouse. As we move forward, several underlying principles guide us:

- **EQUITY.** The structure, operation, and funding of judicial branch activities and services should provide equal access to justice in all courts of the state.

The Revision 7 ballot language made it clear that its intent was to “make justice less dependent on a county’s size or wealth” expressly “promot[ing] uniformity” of justice irrespective of geography. Where legislative appropriations are not adequate, we must continue to assert our funding needs, to provide equity among all courts for the elements to be provided by state revenues.

- **INDEPENDENCE AND INTERDEPENDENCE.** The independence of the courts – in the adjudication of cases and the administration of the court system is a cornerstone of American jurisprudence and government and must be maintained. Yet, it is equally important to recognize that the three branches of our government are jointly responsible for a well-functioning justice system.

In our justice system, each branch has its own important role. The judicial branch must demonstrate leadership by being organizationally responsive and administratively accountable, while ensuring that justice in Florida is accessible, fair, and effective; the legislative branch provides sufficient resources, to the extent it is able, in order to protect and respect the independence and functioning of the judicial branch; and executive branch agencies collaborate with the courts to create effective partnerships in areas where both

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have unique but complementary roles, as in cases involving victims of crime, dependent or delinquent children, families in crisis, and persons with substance-abuse problems.

The transition to state funding has not lessened the importance of our relationships at the local level. County funding and resources remain critical to the proper functioning of the trial courts; chief judges and trial court administrators will continue to work with their counties to ensure that the necessary county resources are available. Our local inter-branch relations are complicated by the fact that the independently elected clerk of court has dual roles – providing services integral to judicial branch operations and performing executive branch functions for the county. We will need to work closely with the clerks to ensure that the proper flow of case maintenance functions and meaningful access to the courts for pro se litigants are maintained.

- **ACCOUNTABILITY.** The judicial branch will be accountable to the people of Florida for the expenditure of public funds and the efficiency of judicial operations.

The viability of our justice system depends on those who use our courts and what they think about how we do our work. Article II, section 19 of the Florida constitution requires that the judicial branch develop a quality management and accountability program. As the trial courts begin to change the way they do business as a result of the transition to state funding, the Commission on Trial Court Performance and Accountability will be key to guiding our efforts to ensure proper management of and accountability for trial court services. Likewise, the Commission on District Courts of Appeal Performance and Accountability must continue to develop and implement a high quality performance measurement system for the district courts. The capacity for implementing and sustaining performance and accountability mechanisms is critical to understanding and improving court performance. One cannot manage what one cannot measure. A resource management system to generate standardized data and measures across court divisions and programs will enable court managers to document needs and set priorities; improve their capacity to identify and implement sound operational and management practices to produce results; and demonstrate the branch's ability to responsibly expend public funds.

For over a decade, efforts have been underway to ensure our state's juries are managed in an effective and efficient manner. These efforts continue as we will soon undergo a review of standards for jury panel sizes, which serve as a benchmark against which the effectiveness and the efficiency of our jury management systems can be measured. We will also look at ways to increase jurors' responses when summoned to serve, as jury service is one of the hallmarks of American citizenship. The American jury is one of the linchpins of our democracy; the right to a trial by jury is enshrined in both our state and federal constitutions. We must ensure a sufficient number of jurors to allow jury trials to proceed without delay. At the same time, we must implement jury management systems that respect jurors' valuable time and conserves state resources.

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In addition, while we have had structural unification of our court system since 1972 and budgetary unification since 2004, the last horizon is technological unification. The need to explore and implement technological improvements to core court processes is especially important in times of budget scarcity. Digital court recording presents a unique opportunity to consolidate functions, eliminate work steps, and reduce labor-intensive efforts, ultimately reducing costs. The transition to state funding presents an excellent opportunity to achieve greater efficiencies in court reporting. Carefully balancing the utilization of stenographic court reporting services and digital court recording technologies in order to accurately capture the words spoken court, will allow courts to maximize service delivery, expedite appeals, and minimize expenditures.

- **RESPONSIVENESS.** The governance and management infrastructure of the courts must be responsive to the needs of the people.

Courts have always been involved in resolving disputes and solving problems. Nationally, courts have acknowledged an increasing number of diverse expectations for the courts' role in society and have responded by creating problem-solving courts like the drug courts. While arguments for increasing court involvement in service areas are growing in many states, the judicial branch in Florida recognizes that the administration of justice is our first priority. Our unified court system must continue to identify and eliminate real or perceived bias in court access or operations and administer justice in all cases - whether it is assigning proper criminal sanctions in criminal cases, establishing that one person or entity owes another in civil cases, protecting vulnerable persons; rendering equity in domestic relations cases, assuring the integrity and credibility of judicial authority by enforcing court orders, or correcting harmful errors through our appellate system.

I trust that our state and community justice system partners will join me and each of the 876 trial and appellate judges in our great state in making a difference in the lives of Floridians and affirming the public's faith in the genius of our three branches of government and the strength of our democracy by ensuring that we deliver a high-quality justice system worthy of the promises in our great constitutions.

Yours very truly,



Barbara J. Pariente

I. CLARIFYING THE ROLE OF THE JUDICIAL BRANCH

LONG-RANGE GOALS:

- The role and responsibilities of Florida's judicial branch will be clearly defined.
- The roles and responsibilities of the courts will be widely understood.
- Essential court-related services that are not within the roles or responsibilities of the courts will be provided by organizations outside of the judicial branch.

OBJECTIVE I-A: **Judicial Independence:** Advance judicial branch positions on constitutional, executive, and legislative proposals affecting the operation of the courts to ensure that the vision and mission of the judicial branch are served.

Respect for judicial independence is a cornerstone of our system of government. While courts respect the unique roles of the legislative and executive branches, decisions made in the other branches can affect the administration of justice. Because these decisions are best made with input from the judicial branch, our courts continue to seek ways to provide appropriate input on matters relating to the administration of justice.

TASK:

- The State Courts System will continue to refine policy and procedures regarding appropriate ways to express branch positions on constitutional, legislative, and executive proposals affecting the administration of justice.

OBJECTIVE I-B:

Court Functions: Clarify the respective roles of court-related constitutional officers regarding the essential functions of the courts and the effective administration of justice.

The July 1, 2004 transition to state funding presented our trial courts with a unique opportunity to identify and clarify the court functions and services that are directly related to the mission of the courts or are performed in response to established public policy. As part of this transition process, we also identified the functions and services that are not properly the role of the court, but should be provided by other entities. As a result of our efforts, we now have consensus on the role, functions and elements of our unified court system.

Many court activities are performed in coordination with other court-related entities that - while not part of the court system - are our justice system partners performing constitutional functions critical to the operation of our justice system (e.g., state attorneys, public defenders, clerks of court and Justice Administrative Commission). Because of these inter-relationships, it is important that their respective roles and the scope of their responsibilities are clearly defined and understood, so that the public enjoys the best justice system possible.

TASKS:

- The Commission on Trial Court Performance and Accountability will examine and clarify the court-related functions of constitutional officers as they relate to essential court operations, including the role of the clerks of the court with respect to their ministerial duties and service as custodian of the trial courts' records.
- The Commission on Trial Court Performance and Accountability will examine the role of the trial courts with respect to the operational and administrative support needs of the circuit Article V indigent services committees and court-appointed counsel.

OBJECTIVE I-C:

Intergovernmental Relations: Collaborate with other branches of state and local government to promote models of service coordination, consistent with their roles and responsibilities, which will respond effectively to the needs of individuals and communities.

Changes to the Florida constitution and laws compel the State Courts System to plan and coordinate efforts with other parts of state and local government. To provide more effective service to the public, the State Courts System should continue to enhance its capability to coordinate the work of the courts with state and local agencies. Systemic, sustained collaboration with state, local, and community service providers is especially critical to the court's ability to solve problems and deliver quality justice. This coordination can be carried out through structured, institutional mechanisms that clarify roles and responsibilities and facilitate communication at the state level. In addition, local coordination will help the courts and other governmental entities to clearly understand their respective responsibilities, to coordinate budgeting and policy development, and to provide more effective service to the people.

TASKS:

- Trial court chief judges and trial court administrators will coordinate with their county governments to address local requirements and local options in support of the trial courts.
- The Office of the State Courts Administrator, trial court chief judges, unified family court administrative judges, and their staff will coordinate with state and local governmental agencies to address the service support needs of litigants and children in areas such as family breakdown, juvenile diversion, substance abuse, mental illness, and domestic violence.
- The chief judge of each appellate and trial court should continue to provide leadership and support for local intergovernmental emergency management teams. The teams should continue to review and update the court emergency management plans, should maintain communication links with appropriate federal, state and local agencies to foster coordination of emergency management resources, and should ensure continuity of court operations in the event emergency situations disrupt the operations of the court.

OBJECTIVE I-D:

Community Collaboration: Provide judicial leadership in establishing collaborative efforts with community service providers to enhance judicial effectiveness while preserving the rule of law.

Courts often serve as a front-line response to problems such as substance abuse, family breakdown and mental illness. The court system is only one of several principal players in addressing these problems. Judicial leadership in ensuring court and community collaboration is essential to improve the administration of justice and produce better outcomes for individuals and communities.

TASK:

- The Steering Committee on Families and Children in the Court, the Task Force on Treatment-Based Drug Courts, and the Office of the State Courts Administrator will provide leadership and technical support to the circuit chief judges, administrative judges and staff in coordinating with state and local government entities and private community service providers to effectively address litigants' and children's integrated court-related service requirements, such as criminal and juvenile drug treatment services, and court diversion services, such as community-based justice centers and teen courts.

II. IMPROVING THE ADMINISTRATION OF JUSTICE

LONG-RANGE GOALS:

- The judicial branch will provide a full range of core court processes and dispute resolution options statewide.
- The judicial branch will fairly and timely resolve issues brought before it.
- Adequate provision will be made for the needs of the current system and funds will be expended prudently.

OBJECTIVE II-A: Court Funding: Promote the maintenance of the Revision 7 funding structure for the State Courts System consistent with the intent of the Florida constitution.

In the years immediately following the implementation of Revision 7 and the corresponding shift to the state for a significantly higher percentage of trial court costs, the State Courts System must be diligent in continuing to advocate in support of its needs, to state the performance standards to which it will hold itself accountable, to perform up to those standards to the best of its ability and to be fiscally and managerially responsible. Conversely, the legislative branch must protect and respect the independence and functionality of the judicial branch by providing sufficient resources. This independent but interdependent approach encourages the co-equal branches of government (whether acting at the state or local level) to view themselves as jointly responsible for achieving a well functioning justice system and it enables the balance that must be achieved between the independent administration of justice, limited resources, budgetary accountability, statewide policy, and local responsibility for court management and administration.

TASKS:

- The Trial Court Budget Commission, the District Court of Appeal Budget Commission, the Commission on Trial Court Performance and Accountability, the Commission on District Court of Appeal Performance and Accountability, the Florida Courts Technology Commission, and the Office of the State Courts Administrator will collaborate in the development and presentation of legislative budget requests that accurately identify resource needs sufficient to carry out the mission of the State Courts System, and to coordinate the presentation and oversight of budgets consistent with statutory requirements.

OBJECTIVE II-B: **Performance and Accountability: Promote court performance and accountability by ensuring that court managers have relevant and timely information necessary to monitor and enhance court operations and properly identify resource needs.**

The judicial branch has embarked on an initiative to ensure a high level of court performance and accountability by providing court managers with accurate, timely information on the performance and operations of their courts. This information includes performance indicators for the processing of cases in each area of law and performance of certain court programs, and will allow court managers to enhance court performance by identifying and addressing workflow and resource allocation issues in a systematic, continuous manner. The State Courts System should maximize the opportunity presented by the transition to state funding to improve the operations of the trial courts; ongoing development of the branch's performance and accountability system should continue with implementation of an information infrastructure to collect data to support decision making regarding court policies, resource distribution, court management, legislative impact assessment and overall performance, and to provide an accountability mechanism.

TASKS:

- The Commission on Trial Court Performance and Accountability will develop and coordinate a comprehensive court resource and performance measurement, improvement, and accountability system for the trial courts.
- The Commission on District Court of Appeal Performance and Accountability will review district court of appeal case management information and ensure the establishment of uniform data definitions and uniform reporting procedures by the various appellate court clerks.
- The Commission on Trial Court Performance and Accountability will finalize the uniform criminal data reporting procedures for timeliness and performance measures; monitor the progress and methods of data analysis and make recommendation on ways to improve the integrity of the process and the quality of the data.
- The Office of the State Courts Administrator will collect output measures for activities identified in the Long-Range Program Plan.
- The trial court administrators will collect and report to the Office of the State Courts Administrator monthly event data for due process services (court reporting, court interpreting and court experts) provided at state expense.

OBJECTIVE II-C: Court Resources: Maximize the availability and use of critical court support resources and activities, including a full range of dispute resolution mechanisms, required for the efficient and effective disposition of cases.

The quality, timeliness, and efficiency of decision-making by the judiciary are enhanced by an array of court support resources. The judicial branch's performance and accountability system must regularly assess the use and benefits of these resources, and share this information with those who can help to continuously improve how, when and where these resources are deployed.

During the 2004-2006 biennium, performance reviews will be conducted for support resources associated with law clerks and court-connected mediation.

TASKS:

- The Commission on Trial Court Performance and Accountability will review how existing law clerks are utilized and identify divisions and cases where law clerks could appropriately be utilized to improve the efficiency and effectiveness of trial courts. The Trial Court Budget Commission will seek legislative funding to provide adequate law clerk support for the trial courts.
- The Commission on Trial Court Performance and Accountability, in consultation with the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, will provide technical assistance to trial courts in prioritizing and implementing, to the extent funded by the legislature, family, dependency, county civil, and small claims mediation programs in each county.
- The Commission on Trial Court Performance and Accountability, in consultation with the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy, will propose an overall management system, performance and workload measurements, and procedures to ensure compliance with data requirements, for court mediation programs receiving state funding.
- The State Courts System will effectively employ case management resources within the various court divisions to screen, evaluate, coordinate, and supervise cases, as may be appropriate, in order to divert appropriate cases, minimize the need for subsequent court action, and promote public safety.

- The Florida Courts Technology Commission will oversee the statewide implementation of an automated sentencing system that will provide a rapid, accurate, automated sentencing contemporaneously with the pronouncement of criminal sentences and will allow the electronic transmission of the sentence to the Department of Corrections. The project will also include the development of an annual report of the assessments ordered by judges statewide.
- The State Courts System will identify ways to enhance the ability of courts to effectively enforce compliance with court orders including collection of fines, fees, and forfeitures.
- The Office of State Courts Administrator will work in concert with the marshals of the district courts of appeal and the trial court administrators to develop uniform state purchasing and financial management directives and guidelines; to integrate the use of efficient technologies and other automated resources in the procurement functions and to facilitate the timely and accurate payment of invoices, deposit of revenues and maintenance of accounting records.
- The Committee on District Court of Appeal Workload and Jurisdiction will examine district court of appeal workload and jurisdiction and develop recommendations to the Supreme Court on uniform criteria as a primary basis for a determination of the need to increase, decrease, or redefine the appellate districts.

OBJECTIVE II-D: Due Process Service Delivery and Utilization: Evaluate and improve the efficiency and effectiveness of due process (court reporting, court interpreting, court expert witnesses, and court-appointed counsel) service delivery mechanisms in the trial courts.

Due process service delivery and utilization are among the most costly, yet most essential, resources available to the courts. In evaluating the service delivery mechanisms we must balance the due process rights of the litigants against potential costs savings that may arise from changes in delivery models or procurement practices.

TASKS:

- The Commission on Trial Court Performance and Accountability will propose an overall management system for the delivery of due process services that will enhance their effectiveness and efficiency. Priority attention will be placed on inter-agency coordination with clerks, state attorneys, public defenders and court-appointed counsel; delivery models; standards; funding and technology options; performance and cost data; and long-term improvement strategies.
- The Commission on Trial Court Performance and Accountability and the Florida Court Technology Commission will guide the advancement of the use of technology to improve the delivery of court reporting services and lessen demand for additional operating costs.

OBJECTIVE II-E: **Juror Utilization:** Ensure that the service of jurors and potential jurors is meaningful and responsive to the needs of the justice system and individual jurors.

Jurors and potential jurors represent a unique and essential component in the judicial process. Jurors perform a service to the judicial system by enabling courts to serve the constitutionally guaranteed right of litigants. Efforts to improve Florida's jury system, including steps to decrease demands placed on citizens' time, and to enhance the meaningful participation of jurors in the judicial process, should continue.

TASK:

- The Work Group on Standards for Jury Panel Sizes will review existing standards for jury panel sizes and develop recommendations to provide for effective juror selection while ensuring the efficient use of fiscal resources.

OBJECTIVE II-F: **Technology: The State Courts System will identify and utilize information technologies that enhance court services and functions, and promote effective judicial decision-making.**

The electronic transmission, storage, and retrieval of court information dramatically increase the effectiveness of the courts by enhancing the quality, timeliness and efficiency of decision-making. To make effective use of these technologies, including case management and court reporting technologies, the branch should: closely monitor adherence to the adopted functional requirements, technical standards, and strategic plan as they relate to information systems development in support of the courts statewide; develop technological and functional standards for those automated systems that provide information to the trial and appellate court systems; articulate requirements for effective internal integration of systems applications; seek integration of systems with local justice system partners to maximize information sharing; improve functionality of management reports and vertical reporting; and capitalize on the use of the World Wide Web for court applications. These efforts will require coordinated development of policy, budgeting, and implementation among the State Courts System, county governments, clerks of court, and other governmental agencies.

TASKS:

- The Florida Court Technology Commission will continue to advance and update the development of technological and functional standards for automated systems that provide information to the trial and appellate court systems, and improve functionality and accessibility of management reports.
- The Florida Court Technology Commission will review and approve the annual circuit operational plans to ensure alignment and compliance with the branch Judicial Information Strategic Plan goals and initiatives.
- The Florida Court Technology Commission will make recommendations to the Supreme Court on policies standardizing technology capabilities and infrastructures within the trial courts.
- The Florida Court Technology Commission and the Office of the State Courts Administrator will continue to explore requirements for the integration of systems with local justice system partners to maximize information sharing.
- The Florida Court Technology Commission will promote the implementation of advanced communications networks to support distribution of court information, develop recommendations for statewide integrations of court information technology resources and electronic data exchange between courts and other informational providers.

- The Office of the State Courts Administrator and other staff of the Supreme Court will research, and advance as appropriate, the use of the World Wide Web for court applications to increase access to the state courts network.
- The Florida Court Technology Commission will continue to consider the report of the Work Group on Emergency Preparedness and make recommendations relating to security of court records stored electronically.
- The Trial Court Technology Committee and the Office of the State Courts Administrator will work with other state agencies to develop an integrated and secure information system capable of allowing judges single query access to multiple state agency data sources, including the Department of Law Enforcement, Department of Children and Families, Department of Juvenile Justice, Department of Corrections, and Department of Highway Safety and Motor Vehicles, as well as court data sources.
- The Electronic Filing Committee will review plans regarding the implementation of electronic filing of documents in the Fourth District Court of Appeal and the Supreme Court, and make recommendations to ensure compliance with the Court's Electronic Filing Standards, to provide adequate public access and uniformity and compatibility.
- The Florida Court Technology Commission will oversee the development of the Automated Sentencing Project, which will provide a rapid, accurate, automated sentencing contemporaneously with the pronouncement of criminal sentences, and will allow for the electronic transmission of the sentence to the Department of Corrections. The project will also include development of an annual report of the assessments ordered by judges statewide.
- The Office of the State Courts Administrator will work to ensure that the state's new personnel, finance, and accounting systems will meet the needs of the judicial branch and provide for the most efficient and effective use of court resources.
- The Office of the State Courts Administrator and the Department of Children and Families will continue to work in partnership to provide for the automation and standardization of court dependency forms through the Office of the State Court Administrator's Judicial Case Management System (JCMIS).
- The Office of the State Courts Administrator will undertake a management review of its technology services to the branch.

OBJECTIVE II-G: Families, Children and At-Risk Parties: Identify and implement court operational practices and procedures that protect children, strengthen families, and assist other vulnerable Floridians.

The effectiveness and efficiency of court processes can be improved through structured initiatives that address factors in the judicial handling of cases. Opportunities for improvement in the processing of cases exist in every area of court jurisdiction. Information generated through the judicial branch performance and accountability initiative provides data that can form the basis for improvement. Court improvement initiatives document the flow of information and decision-making, and provide an opportunity for instituting improvements in case processing, as well as timeliness of judicial decision-making. Where appropriate, initiatives can include consideration of recommendations regarding revision of relevant statutes and rules.

TASKS:

- The Steering Committee on Families and Children in the Court will identify unified family court best practices and develop specific recommendations and strategies for their implementation, including ways to provide technical assistance and training opportunities to assist the trial courts in accomplishing a fully integrated, comprehensive approach to cases involving children and families.
- The Steering Committee on Families and Children in the Court will provide guidance on the requirements of the federal dependency court improvement grant, including the development of a corrective action plan to assist the trial courts in meeting time standard requirements in achieving permanency and safety for children who are abused and neglected.
- The Steering Committee on Families and Children in the Court will develop recommendations for enhancing juvenile delinquency systems, taking into consideration the principles of balanced and restorative justice.
- The Steering Committee on Families and Children in the Court will identify strategies for facilitating the efficient and expeditious resolution of family court cases involving child support and parenting issues.
- The Steering Committee on Families and Children in the Court will make recommendations as to how family courts can promote the safety of victims and children in cases involving domestic violence.

- The Steering Committee on Families and Children in the Court will review issues related to the availability of representation of children and make recommendations, as appropriate, and will recommend ways in which courts can provide more meaningful access to self-represented litigants in family law cases, including parents in dependency cases.
- The Committee on Alternative Dispute Resolution Rules and Policy will develop, if appropriate, recommendations for handling criminal cases in a manner consistent with the principles of restorative justice; the Committee will also evaluate the need for and, if appropriate, recommend rules to govern the use of mediation in criminal and juvenile delinquency cases.
- The Task Force on Treatment-Based Drug Courts will recommend standards of practice for the management of drug courts and develop strategies to assist judges with integrating drug court principles in family court proceedings, including juvenile drug court cases and dependency drug court cases.
- The Florida State Courts System will participate in an SJI grant-funded project to adapt the national trial court performance standards to an aging America. The project will focus primarily on guardianship cases and cases involving elder pro se litigants.
- The Office of the State Courts Administrator, in concert with trial court chief judges and probate judges, will monitor the implementation of amendments to the Baker Act., specifically those related to the involuntary outpatient placement for certain individuals with mental illnesses.
- The Office of the State Courts Administrator will monitor state funding of auxiliary aids and services for persons with disabilities and provide technical assistance to the trial courts.

III. SUPPORTING COMPETENCE AND QUALITY

LONG-RANGE GOALS:

- ▶ Judges and court personnel will be prepared to administer justice fairly, effectively, and in a professional and competent manner.
- ▶ Judges and court personnel will serve the diverse population of Florida with respect and without bias.
- ▶ Judges, court personnel and members of the bar will adhere to high standards of professionalism, ethics, and personal behavior.

OBJECTIVE III-A: Judicial Education: Provide comprehensive and ongoing education and training opportunities and current information updates, to support effective and sound judicial decision-making, increase proficiency in case management, and ensure the highest level of professionalism.

Florida's judicial education program is among the best in the nation. Ongoing education of judges is critical to the maintenance of quality in the courts. In addition to substantive legal education and training, judges must be able to address and understand a multitude of other relevant issues where appropriate. Such issues include enhancing listening and communication skills and skills for serving Florida's culturally diverse population, child development, mental health and substance abuse awareness, domestic violence dynamics, and family systems. The Special Committee on Evaluation and Administration of Florida's Judicial Education Programs advanced a comprehensive plan to enhance the organization, structure and substance of judicial education services in Florida that will improve the quality of judicial education programs, and expand the breadth, depth, and integration of educational offerings. The implementation of the report will continue during 2004-2006.

TASKS:

- The Florida Court Education Council (FCEC) and the Office of the State Courts Administrator (OSCA) will continue to implement the recommendations by the Special Committee on Evaluation and Administration of Florida's Judicial Education Programs.
- The FCEC and the OSCA will develop written materials and publications to enhance the competence of the judiciary and court personnel; study, develop and pilot distance learning courses to supplement current educational programming; conduct a study regarding the educational needs and appropriate education delivery systems for court personnel as defined and determined by the Council; and provide education and training, as feasible, to court personnel as defined and determined by the Council.
- The FCEC and the OSCA will enhance the development and delivery of unified family court education courses.
- The State Courts System will ensure that judges have access to current information on criminal statutes and criminal rules forms for purposes of judicial decision-making, sentencing, and standard jury instructions.

OBJECTIVE III-B: Court Staff Education: Provide comprehensive and ongoing education and training opportunities for court support personnel in order to increase substantive knowledge and proficiency in case management and operational skills.

Growing demands on the courts require that court managers and administrators have access to education and training necessary to prepare them to effectively manage court personnel, operations, technology and facilities. National efforts to develop curricula on the core competencies of court managers, together with empirical information generated to assist Florida courts in improving court management, will provide materials to support enhanced management training for chief judges, administrative judges, court administrators and their staffs.

The complexities of a modern court system require high-functioning and capable court support personnel to carry out their responsibilities. Current efforts to provide continuing education should be expanded into a comprehensive staff training system that provides educational services to personnel directly engaged in the handling of cases, including legal staff in the trial and appellate courts, hearing officers and magistrates, court reporting staff, court interpreters, as well as other support staff, including case managers and administrative and technology personnel. Education opportunities for judges and trial court administrators have been historically provided through the Court Education Trust Fund. The statutory change in the funding structure and spending authority for this trust fund will provide an opportunity to expand educational opportunities to many of the trial court staff transferred to state funding as part of the implementation of Revision 7.

TASK:

- The Florida Court Education Council will assess the educational needs of court personnel now eligible to receive education and training through the Court Education Trust Fund and will make recommendations regarding educational delivery systems and monitor the increased resource demands and related expenditures to serve those needs.

OBJECTIVE III-C: Professional Certification: Ensure the implementation of appropriate processes and mechanisms for ensuring the competence and quality of due process court professionals.

To further ensure the quality of due process services, our courts will engage in a review of whether there is a need to regulate certain due process professionals beyond the establishment of minimum education, knowledge, skills and abilities, as provided by the branch's personnel classification system.

TASKS:

- The Clerk of the Supreme Court and the Office of the State Courts Administrator will complete the implementation of the senior judge appointment and review system and recommend improvements in the senior judge appointment and review process, as necessary.
- The Office of the State Courts Administrator will seek to obtain sufficient resources to support the implementation of a mandatory court interpreter certification program.
- The Office of the State Courts Administrator will examine the policy and operational issues involved with implementing a court reporter certification program within the State Courts System.

OBJECTIVE III-D: Workforce Review: Recruit and retain a highly qualified, diverse, and skilled workforce by securing competitive compensation and benefits for court system personnel.

To support competence and quality in courts, the judicial branch must provide competitive compensation and benefits to ensure high levels of employee retention and morale. This must be an integral part of the court system's implementation of Revision 7. Given employment conditions nationally and in Florida, particularly with respect to the highly skilled personnel required by courts, competitive compensation and benefits are critical to recruiting and retaining qualified and experienced staff. It is the obligation of the judicial branch to clearly document its personnel needs, and to advocate for fulfillment of those needs in its legislative budget requests.

Florida's diversity should be fully reflected in the operations of the judicial branch. Continuing efforts to ensure diversity should include attention to employment and contracting policies and practices, diversity awareness, and representation on policy advisory committees.

TASKS:

- The Office of the State Courts Administrator, in consultation with the Trial Court Budget Commission, will undertake a classification and compensation review of all court employees, and develop a consolidated plan that attempts to achieve competitive salaries and benefits, career opportunities, and parity across circuits.
- The Trial Court Budget Commission will recommend pay plan issues for trial court personnel as necessary to achieve equity and competitive parity among and between the judicial circuits, their local governments, and within the three branches of state government.
- The Standing Committee on Fairness and Diversity will further advance the State Courts System's efforts to reduce bias based on race, gender, ethnicity, age, disability, or socioeconomic status by designing a program to increase the diversity of judicial staff attorneys and law clerks; conducting outreach with justice system stakeholders and the public to identify areas where there are perceptions of disparate treatment in courts system; compiling a prioritized inventory of prior recommendations that have not been addressed; and establishing a Web-based resource center with links to relevant materials.

IV. Enhancing Public Access and Service

LONG-RANGE GOALS:

- ▶ All people will have equal access to courts.
- ▶ People will be able to understand and utilize the judicial system.

OBJECTIVE IV-A: Meaningful Access: Identify and remedy barriers to meaningful access and disparities in court-related services for people who use the courts without the assistance of an attorney.

Article I, Section 21 of the Florida Constitution requires that “the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.” Courts must accommodate litigants’ access to justice in a way that is both meaningful and respectful, while preserving the rule of law and the impartiality of the judicial system. Court procedures, forms, and personnel should be customer friendly.

TASKS:

- Each circuit will review, further refine and implement their specific action plans for addressing the needs of self-represented litigants. The action plans will include a coordination mechanism for ensuring that the ministerial functions provided by the clerks of court are appropriate and are effectively meeting the needs of self-represented litigants.
- The Steering Committee on Families and Children in the Court will make recommendations on ways in which courts can provide more meaningful access to self-represented litigants in family cases, including parents in dependency cases, and will develop methods to make family court proceedings more understandable to children and families.
- Each appellate and trial court should ensure, through their emergency preparedness planning, that court operations can continue in the aftermath of an emergency event and that any necessary limitations to full access to the courts are minimized.

OBJECTIVE IV-B: **Electronic Access to Court Records:** Examine and develop policies regarding electronic access to court records that maintain a proper balance between public access, personal privacy, and public safety, while maintaining the integrity of the judicial process.

The emergence of technologies to electronically transmit, store, and retrieve documents is changing the public's access to court records, allowing faster and more efficient retrieval. While litigants and others may benefit from this improved access, concerns arise regarding legitimate expectations of privacy. To appropriately balance public access to information and privacy interests, policies controlling electronic access to court records should be examined and the necessary policy adjustments made.

TASKS:

- The Committee on Privacy and Court Records will examine and develop recommended policies regarding electronic access to and release of court records. These recommendations will establish a proper balance between public access, personal privacy, and public safety, while maintaining the integrity of the judicial process and, where appropriate, reduce the amount of personal and sensitive information that may unnecessarily become a part of a court record.
- The Office of the State Courts Administrator will initiate and implement electronic filing procedures in the appellate courts. The Electronic Filing Committee will review plans regarding the implementation of electronic filing of documents in the Fourth District Court of Appeal and the Supreme Court, and make recommendations to ensure compliance with the Court's Electronic Filing Standards, to provide adequate public access, uniformity, and compatibility.

V. Building Public Trust and Confidence

LONG-RANGE GOALS:

- ▶ The judicial system will be accountable to the public.
- ▶ The judicial branch will inform the public about the functioning of the courts.
- ▶ The judicial branch will be responsive to the expectations of the public regarding the courts.

OBJECTIVE V-4: **Communication Plan: Implement the Judicial Branch Communication Plan, which includes: a) sustained outreach efforts designed to enhance public understanding and support for the unique role and responsibilities of the judicial branch in solving problems and administering justice; b) preparation and dissemination of useful information about court operations and processes; and c) collaborative strategies that will increase public respect for and confidence in the court system.**

Courts rely upon public respect for the courts and the perceived legitimacy of the judicial process. As people understand the unique role of courts, they have increased respect for judicial decisions. Outreach efforts within local communities bring relevance to the judicial system and promote the court's contributions to community life.

TASKS:

- The Office of the State Courts Administrator, in consultation with judges, court managers, and court committees, will develop mechanisms to assist the judicial branch and local courts in engaging court stakeholders and the public in a dialogue about court policies, procedures, programs, and areas of concern.
- The Office of State Courts Administrator and other staff of the Supreme Court will research, and advance as appropriate, the use of the World Wide Web for court applications to increase access to the state courts network.

OBJECTIVE V-B: **Public Involvement: Encourage sustained public involvement in the administration of the court system to ensure the maximum contribution to the quality of justice and an appropriate and durable balance between the demands of judicial independence and accountability.**

Public involvement in the court process facilitates accountability and shared expectations, and increases public trust and confidence, ensuring that the courts are relevant providers of justice. Floridians can become involved in the court process when the court builds collaborative systems with state and community service providers. Likewise, the process of collaboration in court service areas, such as guardian ad litem and mediation programs, builds a public constituency for the courts.

TASKS:

- The Chief Justice will ensure that court committees include public member representation where such participation would appropriately contribute to the deliberations of the committee.
- In light of the multitude of the significant changes that have occurred since the Judicial Management Council was restructured in 1995, the Supreme Court will review the Judicial Management Council's policy, planning, and communication duties described in Rule 2.125, Florida Rules of Judicial Administration.
- The Office of the State Courts Administrator will look at ways to enhance communication between citizens and the judiciary.
- To ensure maximum public participation in jury service, the Work Group on Standards for Jury Panel Sizes will propose strategies that may serve to increase citizen participation in the jury process while respecting the valuable time provided by citizen jurors.

For additional copies of this operational plan, contact:

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