



JUDICIAL COUNCIL OF GEORGIA
Administrative Office of the Courts

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MEMORANDUM

TO: Chief Judge Dorothy T. Beasley
433 State Judicial Building

FROM: Holly K. O. Sparrow *HS*
Assistant Director for Research

DATE: November 27, 1995

RE: Structure of the Florida Appellate Courts

The information below represents the structure of the Florida Appellate Courts as of 1993. The information has been compiled from three (3) sources: the annual report for 1988, 1989, and 1990; the National Center for State Courts, State Court Caseload Statistics, 1993; and from information obtained by telephone from the Florida Administrative Office of the Courts. Please note that the 1990 population of Florida of 12.9 million is almost twice that of Georgia's 6.5 million.

District Courts of Appeal (5 districts with a total of 57 judges) *Intermediate Appellate Court*
Three-judge panels hear cases in each of five appellate court districts. The districts are located in (1) Tallahassee with 13 judges, (2) Lakeland and Tampa with 12 judges, (3) Miami with 11 judges, (4) West Palm Beach with 12 judges, and (5) Daytona Beach with 9 judges. District 1 is the only one which hears worker's compensation cases. Each district selects a chief judge by majority vote. There is a rotation of the judges on the panels in each district. The State Administrator's Office says that there is a system of allocating judges to this court by caseload filings.

As concerns personnel staff of the judges, there appears to be a judicial assistant, a secretary, and two law clerks for each judge. There may also be some central support staff.

Currently there is no mechanism for ensuring the consistency and uniformity of decisions on cases with similar issues among the different districts. There is some plan to use the computer network of the court to implement an "issues-based" case management system.

• Jurisdiction

The District Courts of Appeal decide most appeals from circuit court cases and administrative law appeals from actions by the executive branch. In addition, the DCAs must review county court decisions invalidating a provision of the state's constitution or statutes. The DCAs may review an order or judgment of a county court which the county court certifies to be of great public importance.

• Caseload

The District Courts of Appeal caseload consists of appeals, petitions for writs of certiorari, and original writs. Comparisons of certain caseload information between Georgia and Florida is found in Exhibit I. Two items which seem notable are the differences in the number of discretionary cases per judge and the number of opinions.

The following data is a general idea of the number of judges in Florida's trial courts.

Trial Courts

Circuit Courts (20 circuits)
421 judges.

Court of General Jurisdiction

County Courts (67 counties)
241 judges.

Court of Limited Jurisdiction

The following data about the Supreme Court is shown to provide information about the division of jurisdiction between the Court of Last Resort and the Intermediate Appellate Court.

Supreme Court

Court of Last Resort

Seven justices sit en banc. Five constitute a quorum. At least four must agree on each decision.

• Jurisdiction

The supreme court must review:

- final orders imposing death sentences;
- DCA decisions declaring a state statute or provision of the state constitution invalid;
- bond validations and actions of statewide agencies relating to public utilities;

The supreme court may review:

- any DCA decision that expressly declares valid a state statute or provision of the state or federal constitution, affects a class of constitutional state officers, or directly conflicts with a decision of another court of appeal or the supreme court on the same question of law;

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- any DCA decision certified to the supreme court to be of great public importance or to have a great effect on the proper administration of justice throughout the state and requiring immediate resolution by the supreme court;
- any order or judgment of a trial court in which appeal to a DCA is pending certified by the DCA to be of great public importance or to have great effect on the proper administration of justice throughout the state and requiring immediate resolution by the supreme court;
- a question of law certified by the U.S. Supreme Court or a U.S. Court of Appeals which is determinative of the case and for which there is no controlling precedent of the Florida Supreme Court.

The court also has discretionary jurisdiction to issue writs without a case first proceeding to trial.

Exhibit I

Selected Statistics of Total, Mandatory, and Discretionary Cases Filed in the Intermediate Courts of Appeal in Florida and Georgia during 1993

	<u>Florida</u> <u>District Courts of Appeal</u>	<u>Georgia</u> <u>Court of Appeals</u>
1. Total Authorized Judges	57	9
2. Total Number of Lawyer Support Personnel	102	28
3. Total Cases Filed	18,682	3,526
a. Mandatory	15,799	2,601
b. Discretionary Petitions	2,883	925
4. Total Cases Filed per Judge	328	392
a. Mandatory Cases per Judge	277	289
b. Discretionary Petitions	51	103
5. Total Cases Filed per 100,000 population	136	51
a. Mandatory	115	38
b. Discretionary Petitions	21	13
6. Total Cases Disposed	18,469	3,614
a. Mandatory	15,766	2,695
b. Discretionary	2,703	919
7. Total Cases Disposed per Judge	324	402
a. Mandatory	277	299
b. Discretionary Petitions	47	102
8. Total Disposed as a Percent of Cases Filed	99%	102%
a. Mandatory	100%	104%
b. Discretionary Petitions	94%	99%
9. Total Dispositions by Signed Opinion	343	2,501
10. Method of Counting Opinions		
a. Case	Yes	Yes
b. Composition of Counting Opinions		
1. Signed Opinions	Yes	Yes
2. Per Curiam Opinions	Yes	No

INTRODUCTION

This report is a summary of the business of the Florida State Courts System (SCS) for 1988, 1989, and 1990. The purpose of this summary is to give the

Legislature, SCS employees and other interested parties a quick look at SCS activities and operations for the reporting period.

STRUCTURE

Administration

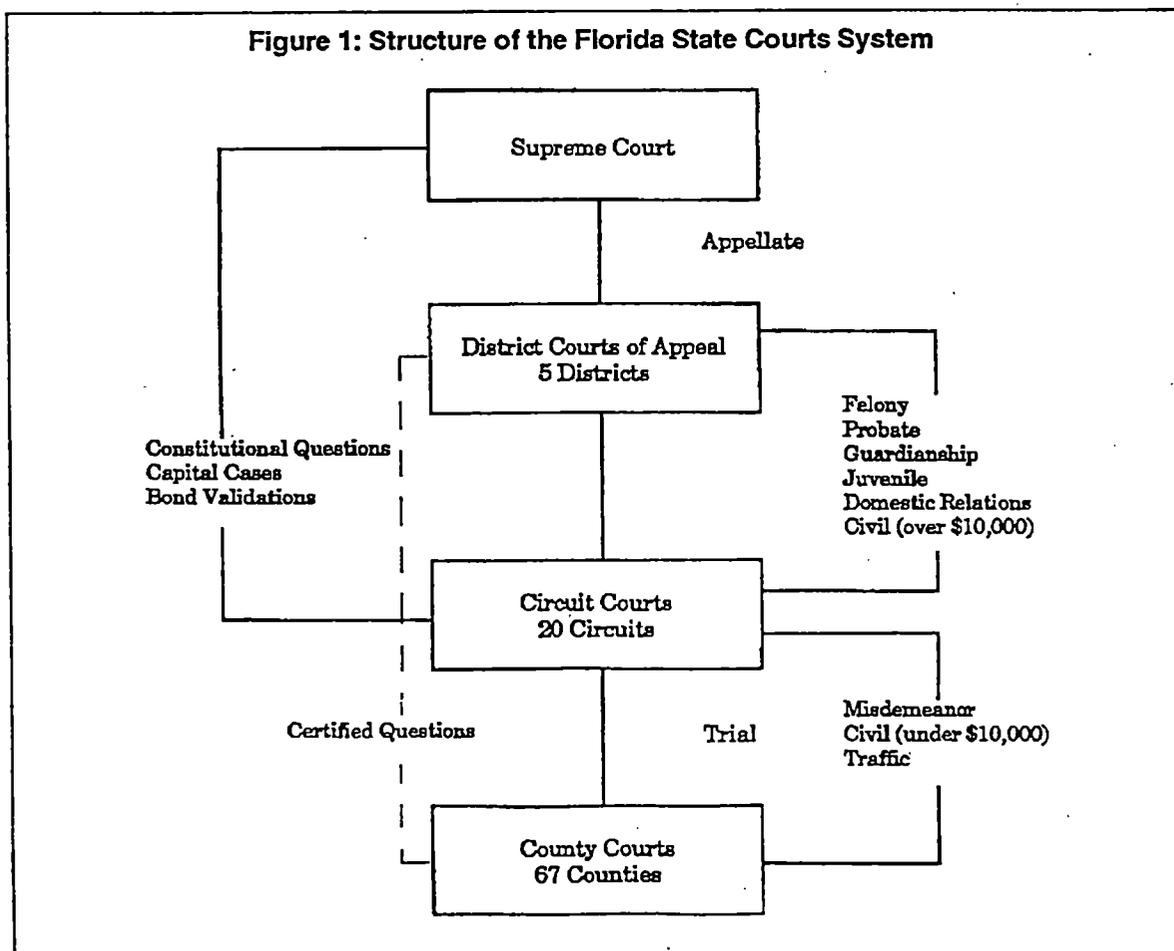
The chief administrative officer of the SCS is the chief justice of the Florida Supreme Court. The chief justice is selected by a majority vote of the justices and serves a two-year term that begins on July 1 of even-numbered years. The Office of the State Courts Administrator (OSCA) assists the chief justice with administrative tasks and serves as the liaison between the judicial branch and legislative and execu-

tive branches, auxiliary agencies of the court and national court research and planning agencies.

The Courts

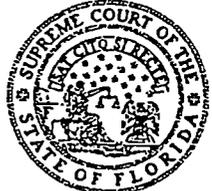
Courts in Florida are divided into two levels, appellate and trial. The Florida Supreme Court and the district courts of appeal (DCA) are appellate courts, and the judicial circuit courts and county courts are trial courts. (See Figure 1.)

Figure 1: Structure of the Florida State Courts System



The Florida Supreme Court

The highest court in Florida is the supreme court, which is composed of seven justices who serve six-year terms. Five justices are required to constitute a quorum to conduct business, and four justices must agree on a decision in each case. The court's official headquarters is the Supreme Court Building in Tallahassee.



Jurisdiction. The jurisdiction of the supreme court is set forth in article V, section 3, of the Florida Constitution. Cases that are heard by the supreme court fall into three general categories: mandatory review, discretionary review and original proceedings.

The supreme court must review: final orders imposing death sentences; district court decisions declaring a state statute or provision of the state constitution invalid; bond validations and actions of statewide agencies relating to public utilities.

- The court may review:
 - any decision of a DCA that expressly declares valid a state statute or a provision of the state or federal constitution, affects a class of constitutional state officers, or directly conflicts with a decision of another court of appeal or the supreme court on the same question of law;
 - any decision of a DCA that is certified to the supreme court to be of great public importance or to have a great effect on the proper administration of justice throughout the state and requiring immediate resolution by the supreme court;
 - any order or judgment of a trial court certified by the DCA in which an appeal is pending to be of great public importance or to have a great effect on the proper administration of justice throughout the state and requiring immediate resolution by the supreme court;
 - a question of law certified by the U.S. Supreme Court or a U.S. Court of Appeals which is determi-

native of the cause and for which there is no controlling precedent of the Florida Supreme Court.

The court also has discretionary jurisdiction to issue writs (orders commanding a person or entity to perform or refrain from performing a particular act) without a case having to proceed initially to trial.

Caseload. The caseload of the supreme court is represented by the number of filings and dispositions of appeals in mandatory review, discretionary review and original proceedings. With its range of duties and its jurisdiction, the supreme court presently has the nation's second highest caseload for state high courts. (See Table 1.)

Table 1: Florida Supreme Court Filings and Dispositions*

Year	Filings	Dispositions	Cases Pending as of 12/31
1988	1,826	1,960	690
1989	1,753	1,545	896
1990	1,920	1,846	970

* More detailed information regarding types of cases and types of disposition are available through Court Services (904) 922-5094.

The District Courts of Appeal

The bulk of trial court decisions which are appealed are never heard by the supreme court. Rather, they are reviewed by three-judge panels of the district courts of appeal.

The state is divided into five appellate court districts (see Figure 2 on the next page) with offices in Tallahassee (First DCA), Lakeland and Tampa (Second DCA), Miami (Third DCA), West Palm Beach (Fourth DCA), and Daytona Beach (Fifth DCA). A chief judge for each district is chosen by a majority of the court.

As a general rule, decisions of the district courts of appeal represent the final appellate review of litigated cases. A person who is displeased with the district court's express decision may ask for review in the Florida Supreme Court or in the U.S. Supreme

court, but neither tribunal is required to accept the case for further review; the overwhelming number of requests are in fact denied.

Jurisdiction. The district courts decide most appeals from circuit court cases and many administrative law appeals from actions by the executive branch. In addition, the DCAs must review county court decisions invalidating a provision of the state's constitution or statutes. The courts may review an order or judgment of a county court which is certified by the county court to be of great public importance.

Caseload. The caseload of the district courts of appeal is comprised of appeals, petitions for writs of certiorari, and original writs. The 1988, 1989, and 1990 statistics for cases that were filed, disposed of and left pending at the end of the year are shown in Table 2.

Figure 2: Boundaries of the District Courts of Appeal

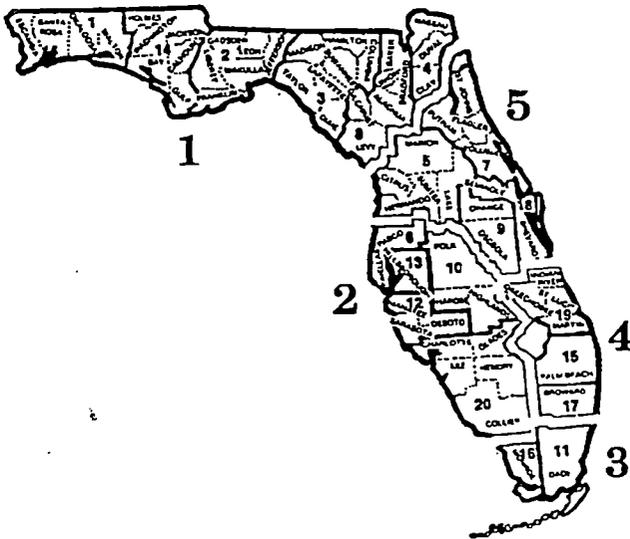


Table 2: District Courts of Appeal
Filings and Dispositions*

1988				
DCA	Judges	Filings	Dispositions	Cases Pending as of 12/31
1st	12	3,270	3,306	1,888
2nd	10	3,714	3,314	2,994
3rd	9	3,402	3,250	2,003
4th	9	3,523	3,078	2,836
5th	6	2,571	2,450	1,402
Total	46	16,480	15,398	11,123
1989				
DCA	Judges	Filings	Dispositions	Cases Pending as of 12/31
1st	12	3,465	3,236	2,366
2nd	12	3,560	3,288	3,266
3rd	10	3,141	3,481	1,664
4th	12	3,329	3,510	2,655
5th	7	2,689	2,451	1,640
Total	53	16,184	15,966	11,591
1990				
DCA	Judges	Filings	Dispositions	Cases Pending as of 12/31
1st	13	3,875	3,534	2,707
2nd	12	3,733	3,702	3,297
3rd	11	2,971	3,055	1,580
4th	12	3,507	3,723	2,439
5th	9	2,757	2,786	1,611
Total	57	16,843	16,800	11,634

* More detailed information regarding types of cases and types of disposition are available through Court Services (904) 922-5094.