

JUSTICE IN FLORIDA WILL BE ACCESSIBLE, FAIR, EFFECTIVE,
RESPONSIVE, AND ACCOUNTABLE.



I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts.

-Abraham Lincoln

TWENTIETH JUDICIAL CIRCUIT COURT

The circuit court is Florida's trial court of general jurisdiction. Each of the state's 20 judicial circuits incorporates one or more counties. Circuit courts have exclusive original jurisdiction in all of the following: actions in which the matter in controversy exceeds \$15,000, exclusive of interest and costs; proceedings relating to the settlement of estates; guardianship; involuntary hospitalization; determination of incapacity; and other matters concerning court of probate; in all cases in equity including all cases relating to juveniles except traffic offenses. In criminal matters, the circuit courts have original jurisdiction in all felonies and in all misdemeanors arising out of the same circumstances as a felony that is concurrently charged. Also, circuit courts preside over all cases involving the legality of tax assessment, in the actions of ejectment, in all actions involving the titles or boundaries or rights of possession of real property, and in other actions not heard by county court. Family cases such as dissolution of marriage, child custody, visitation, domestic violence, and juvenile dependency cases are all heard in the Circuit Court.

The circuit court handles appeals from the county court except those appeals that may be taken to the district court of appeal. Five circuit judges are assigned in Charlotte County, seven circuit judges are assigned in Collier County, Glades County and Hendry County share one circuit judge, and 18 circuit judges are assigned in Lee County.

The county courts are Florida's trial court of limited jurisdiction. There is a county court in each of the 67 counties with the county boundaries serving as the territorial jurisdiction.

County courts have original jurisdiction in all criminal misdemeanor cases where there is not a concurrent felony, and in all violations of municipal and county ordinances. In civil matters, county courts have original jurisdiction in all actions of law in which the matter in controversy does not exceed the sum of \$15,000, exclusive of interest and costs, and which is not within the exclusive jurisdiction of the circuit courts. County court judges also serve as committing magistrates. There are three county judges in Charlotte County, six county judges in Collier County, one county judge in Glades County, and one in Hendry County, and eight county judges in Lee County.



Twentieth Judicial Circuit



Chief Judge G. Keith Cary

| | |
|--------------------|-----------------------|
| TELEPHONE | 239-533-9140 |
| FACSIMILE | 239-485-2588 |
| JUDICIAL ASSISTANT | Susan Kellum |
| EMAIL | skellum@ca.cjis20.org |



Trial Court Administrator Richard Callanan

| | |
|-----------|-------------------------|
| TELEPHONE | 239-533-1712 |
| FACSIMILE | 239-533-1701 |
| EMAIL | rcallanan@ca.cjis20.org |

Public Information Officer Sheila Mann

| | |
|-----------|---------------------|
| TELEPHONE | 239-533-1723 |
| FACSIMILE | 239-533-1702 |
| EMAIL | smann@ca.cjis20.org |

Total Caseload FY 2008-09

Below, the total number of cases filed under the Circuit and County courts in the Twentieth Judicial Circuit of Florida for the Fiscal Year 2008-09 according to Florida's Trial Courts Statistical Reference Guide.

| Circuit/ County | Circuit Court | | | | | County Court | | | |
|--------------------|---------------|---------------|---------------|--------------|---------------|---------------|---------------|----------------|----------------|
| | Criminal | Civil | Family Court* | Probate | Total | Criminal | Civil** | Total | Total |
| Charlotte | 1,725 | 5,850 | 3,026 | 1,614 | 12,215 | 4,895 | 8,993 | 13,888 | 26,103 |
| Collier | 2,087 | 10,849 | 4,008 | 1,653 | 18,597 | 14,036 | 21,059 | 35,095 | 53,692 |
| Glades | 289 | 132 | 194 | 33 | 648 | 691 | 1,598 | 2,289 | 2,937 |
| Hendry | 738 | 746 | 895 | 131 | 2,510 | 2,979 | 2,346 | 5,325 | 7,835 |
| Lee | 5,867 | 30,209 | 9,530 | 3,021 | 48,627 | 32,287 | 41,649 | 73,936 | 122,563 |
| Circuit 20 | 10,706 | 47,786 | 17,653 | 6,452 | 82,597 | 54,888 | 75,645 | 130,533 | 213,130 |

* Family Court filings include Domestic Relations, Juvenile Delinquency, Juvenile Dependency, and Termination of Parental Rights

** This data does not include all Civil Traffic Infractions reported to the Department of Highway Safety and Motor Vehicles by the clerks of court. They only represent those Civil Traffic Infraction filings involving a judge or hearing officer.

Twentieth Judicial Circuit

Statistical Information



50 Judges (31 Circuit Judges / 19 County Court Judges)
173.5 FTEs (135.5 Circuit Courts / 38 County Courts)



Annual Trial Court Budget (FY 2009-2010) : \$18,190,584
\$13,658,945 Circuit Courts / \$4,531,639 County Courts

Population

| County | 2000 | 2010 |
|--------------|----------------|------------------|
| Charlotte | 141,627 | 167,598 |
| Collier | 251,377 | 331,811 |
| Glades | 10,576 | 11,633 |
| Hendry | 36,210 | 42,666 |
| Lee | 440,888 | 622,940 |
| Total | 880,678 | 1,671,846 |

Source: Florida Demographic Estimating Conference, February 2009 and the Florida Demographic Database, August 2009.

Twentieth Circuit Legislators

| Senators | District |
|----------------------------|----------|
| Alexander, J.D. | 17 |
| Bennett, Michael S. "Mike" | 21 |
| Detert, Nancy C. | 23 |
| Aronberg, Dave | 27 |
| Richter, Garrett | 37 |
| Bullard, Larcenia J. | 39 |

| Representatives | District |
|------------------|----------|
| Roberson, Ken | 71 |
| Kreegel, Paige | 72 |
| Thompson, Nick | 73 |
| Aubuchon, Gary | 74 |
| Williams, Trudi | 75 |
| Grady, Tom | 76 |
| Grimsely, Denise | 77 |
| Hudson, Matt | 101 |
| Rivera, David | 112 |

Twentieth Judicial Circuit Courthouses

Lee County Justice Center



1700 Monroe Street
Fort Myers FL 33901

Collier County Government Complex



3301 Tamiami Trail East
Naples, FL, 34112

Glades County Courthouse



PO BOX 579
Moore Haven, FL 33471

Charlotte County Justice Center



350 E. Marion Ave
Punta Gorda, FL 33950

Hendry County Courthouse



PO BOX 567
LaBelle, FL 33935

Florida's Court Structure

Florida's court system consists of the following entities: two appellate level courts—the Supreme Court and five district courts of appeal—and two trial level courts— 20 circuit courts and 67 county courts. The chief justice presides as the chief administrative officer of the judicial branch. On July 1, 1972, the Office of the State Courts Administrator (OSCA) was created.



Supreme Court of Florida

The Supreme Court is the highest court in Florida. Five of the seven justices are required to constitute a quorum to conduct business, and four justices must agree on a decision in each case. The court has exclusive authority to regulate the admission and discipline of lawyers in Florida as well as the responsibility to discipline and remove judges. Justices serve six-year terms.

Mandatory jurisdiction includes death penalty cases, district court decisions declaring a state statute or provision of the state constitution invalid, bond validations, rule of court procedures, and actions of statewide agencies relating to public utilities.

District Courts of Appeal

The bulk of trial court decisions that are appealed are reviewed by three-judge panels of the district courts of appeal (DCAs). In each district court, a chief judge, who is selected by the body of district court judges, is responsible for the administrative duties of the court.

Jurisdiction extends to appeals from final judgments or orders of trial courts in cases that either are not directly appealable to the Supreme Court or aren't taken from a county court to a circuit court, and to the review of certain non-final orders. The district courts have been granted the power to review most final actions taken by state agencies in carrying out the duties of the executive branch of government.

Currently there are 61 DCA judges, serving six-year terms. The first district, located in Tallahassee, has 15 judges; the second district, in Lakeland, has 14 judges; the third district, in Miami, has 10 judges; the fourth district, located in West Palm Beach, has 12 judges; and the fifth district, in Daytona Beach, has 10 judges.

Circuit Courts

The majority of jury trials in Florida take place before circuit court judges. The circuit courts are referred to as the courts of general jurisdiction. Circuit courts hear all criminal and civil matters not within the jurisdiction of county courts, including family law, juvenile delinquency and dependency, mental health, probate, guardianship, and civil matters over \$15,000. They also hear some appeals from county court rulings and judgments and from administrative hearings. Finally, they have the power to issue extraordinary writs necessary to the complete exercise of their jurisdiction.

Currently, there are 599 circuit judges, serving six-year terms. There are 20 judicial circuits in the state. The number of judges in each circuit is based on caseload. These judges preside individually, not on panels.

County Courts

Each county has at least one county court judge. The number of judges in each county court varies with the population and caseload of the county. There are currently 322 county judges, who serve six-year terms. These judges preside individually, not on panels. County courts are courts of limited jurisdiction, which is established by statute. The county courts are sometimes referred to as “the people’s courts” because a large part of the courts’ work involves citizen disputes such as violations of municipal and county ordinances, traffic offenses, landlord-tenant disputes, misdemeanor criminal matters, and monetary disputes up to \$15,000.

Office of the State Courts Administrator

The Office of the State Courts Administrator (OSCA) was created to serve the chief justice in carrying out his or her responsibilities as the chief administrative officer of the judicial branch. OSCA’s purpose is to provide professional court management and administration of the state’s judicial system – basically the non-adjudicatory services and functions necessary for the operation of the judicial branch, which includes the Supreme Court of Florida, the five district courts of appeal, the 20 circuit courts, and the 67 county courts.

Trial Court Administrators

Each circuit has a trial court administrator who supports the chief judge in his or her constitutional roles as the administrative supervisor of the circuit and county courts. The trial court administrator provides professional staff support to ensure effective and efficient court operations. They manage judicial operations such as courtroom scheduling, facilities management, case flow policy, ADA compliance, statistical analysis, inter-branch and intergovernmental relations, technology planning, jury oversight, public information, and emergency planning. They also oversee court business operations including personnel, planning and budgeting, finance and accounting, purchasing, property and records, and staff training.

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. In fiscal year 2007-08, the legislature authorized 2,424.5 staff positions. In fiscal year 2008-09, it was necessary to reduce the authorized positions because the *salary dollars were reduced by the legislature*, making the total available positions 2,135.

For fiscal year 2009-10, 4 new positions were authorized by the legislature for workload associated with the new State Courts Revenue Trust Fund, resulting in a total of 2,139 positions available. Please note, these available positions **do not** include judges (989) or judicial assistants (989).

In 2006, Florida Tax Watch reported State Courts System Salaries were on average 12.3% lower than their executive branch counterparts.

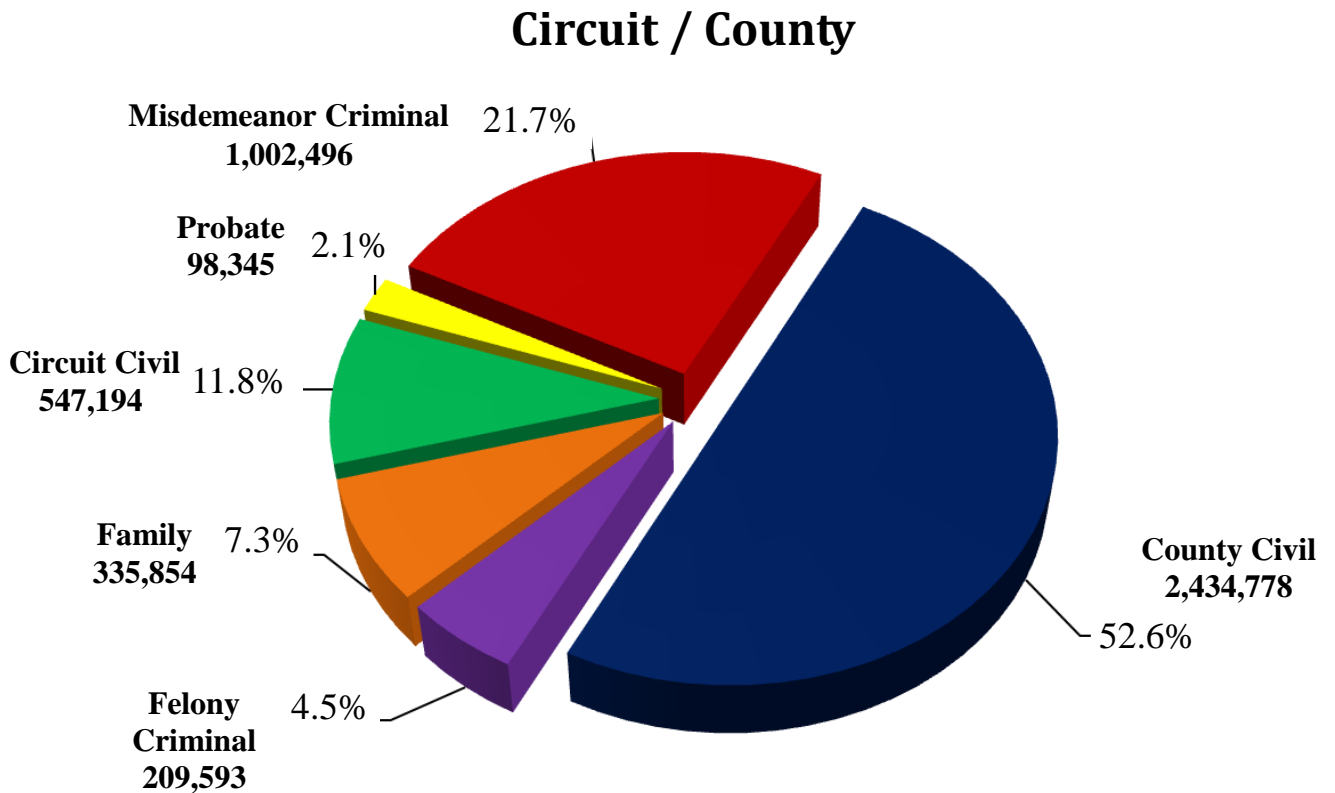
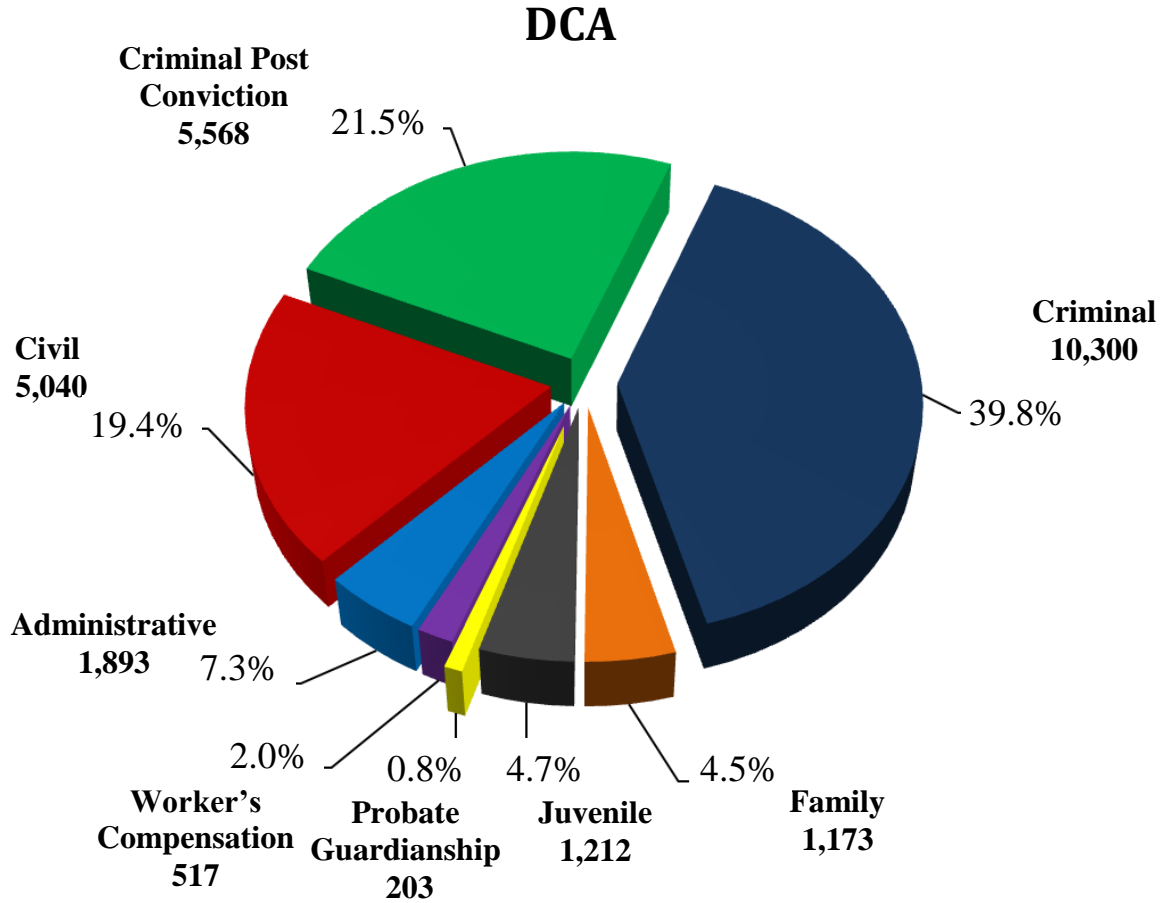
Courtrooms

Almost 900 courtrooms are utilized in the state of Florida.

Court Interpreters

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

2008-2009 Case Filings



Judicial Certification

Since 1999, the Supreme Court has used a weighted caseload system to evaluate the need for new trial court judgeships. The weighted caseload system analyzes Florida's trial court caseload statistics according to complexity. Cases that are generally more complex, such as capital murder cases, receive a higher weight, while cases that are typically less complex, such as civil traffic cases, receive a lower weight. These weights are then applied to case filing statistics to determine the need for additional judgeships.

Having an adequate number of judgeships is essential: if judicial workload exceeds capacity and a judicial need deficit is not addressed, likely consequences are case processing delays, less time devoted to dispositions, and potentially diminished access to the courts.

On February 25, 2010, the Florida Supreme Court certified the need for 37 additional circuit judges and 53 additional county court judges for fiscal year 2010-11.

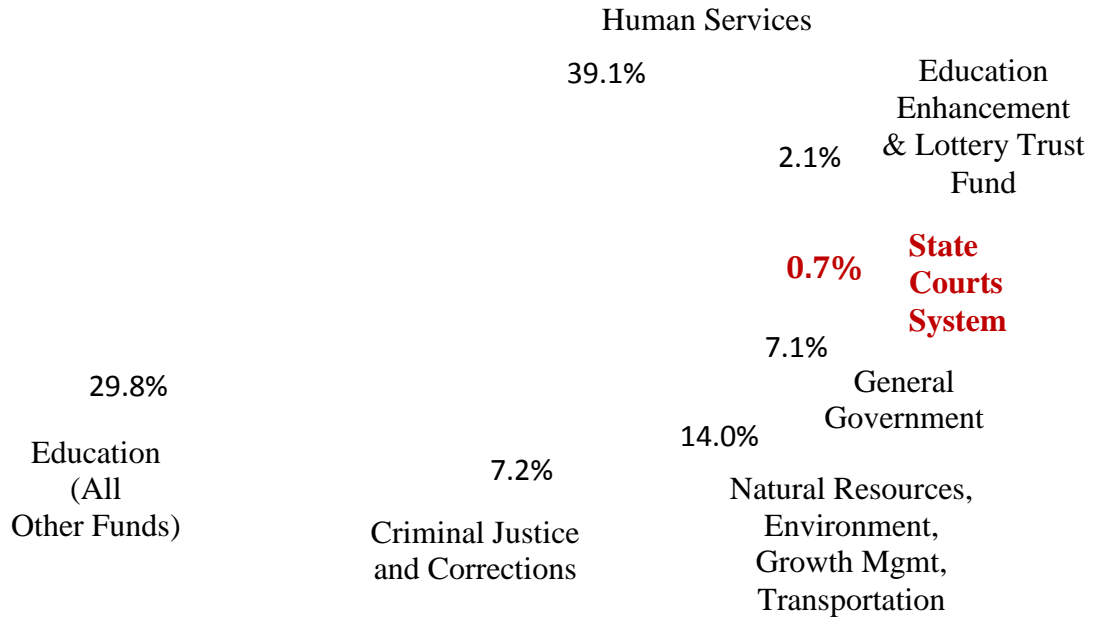
| Year | Certified | Funded |
|-------------|------------------|---------------|
| FY 2010-11 | 90 | TBD |
| FY 2009-10 | 68 | 0 |
| FY 2008-09 | 61 | 0 |
| FY 2007-08 | 37 | 0 |
| FY 2006-07 | 66 | 55 |
| FY 2005-06 | 110 | 59 |
| FY 2004-05 | 88 | 0 |
| FY 2003-04 | 56 | 0 |
| FY 2002-03 | 49 | 18 |
| FY 2001-02 | 44 | 27 |
| FY 2000-01 | 43 | 0 |

Budgets

Florida's Budget

Fiscal Year 2009-2010

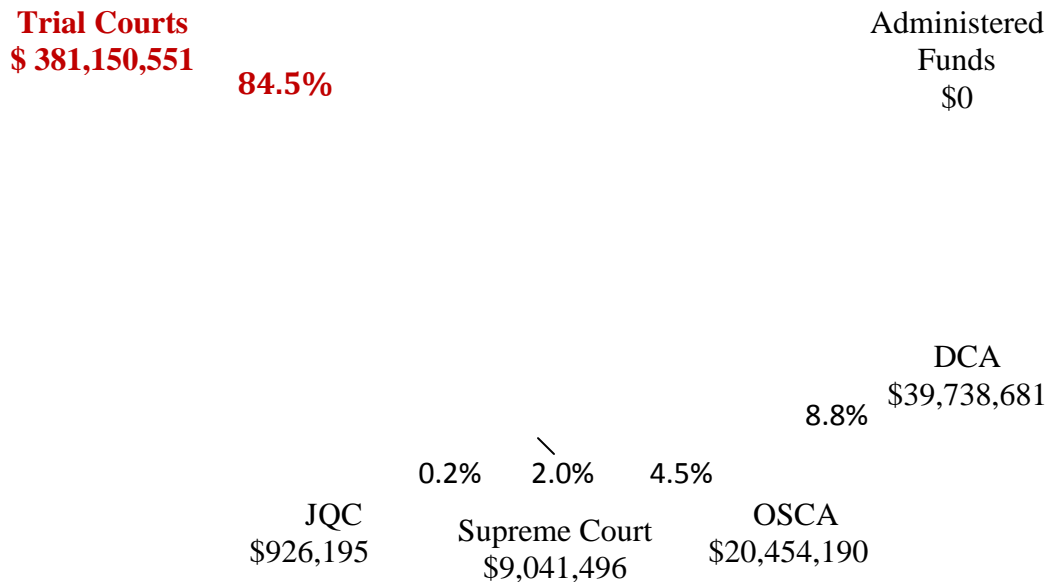
\$66,536,360,098



State Courts System's Budget

Fiscal Year 2009-2010

\$451,311,113



Summary of Budget Cuts

In 1998, Floridians voted to approve a constitutional amendment (Revision 7), which requires a shift in funding of a substantial part of our trial court costs from the counties to the state. The will of the voters was to implement a budgetary unification of Florida's court system to eliminate the fiscal fragmentation that had existed for so many years, with poorer counties being shortchanged in the quality and availability of court services. In 2004-05, the three branches of government—the court system, the governor, and state lawmakers—worked long and hard 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 could face cutting almost as many positions, a reduction in workforce that could push the whole court system back 30 years.*

Budget 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, 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

Creation of Trust Fund – Laws of Florida Chapter 2009-6 and 2009-7 (SB 12A and 14A)

In Special Session A, January 2009, the Legislature created a new State Courts Revenue Trust Fund, the first step in implementing the courts' plan for stabilizing court funding.

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 2010 regular session. The judicial branch does not want a return to the perception of or opportunity for cash register justice, which was why it pressed for approval of the Senate proposal.

Regular Session, 2009 Budget Reductions

While further cuts to the courts' operating budgets were avoided in the 2009 Regular Session, the legislature reduced the salary for all judges by 2%. Although the Governor vetoed the 2% reduction for staff making over \$45,000, the salary and benefit dollars were not restored. The total 2% cut to salaries and benefits for all funds (GR and all trust funds) for FY 2009-10 was \$4,979,188.

2010 Proposed Budget Cuts

During the fall interim committee meetings, both House and Senate budget committees heard presentations regarding a 10% reduction to budgets exercise. A 10% reduction for the courts could result in an FTE reduction of 674.25 or 22.2% of court staff. The legislative intent by setting up the State Revenue Trust Fund (SCRTF) was to provide a stable funding source for the courts. The projections for the SCRTF indicate that sufficient revenue is coming in to make cuts of this magnitude unnecessary.

State Courts Revenue Trust Fund

Revenue Collections by Source

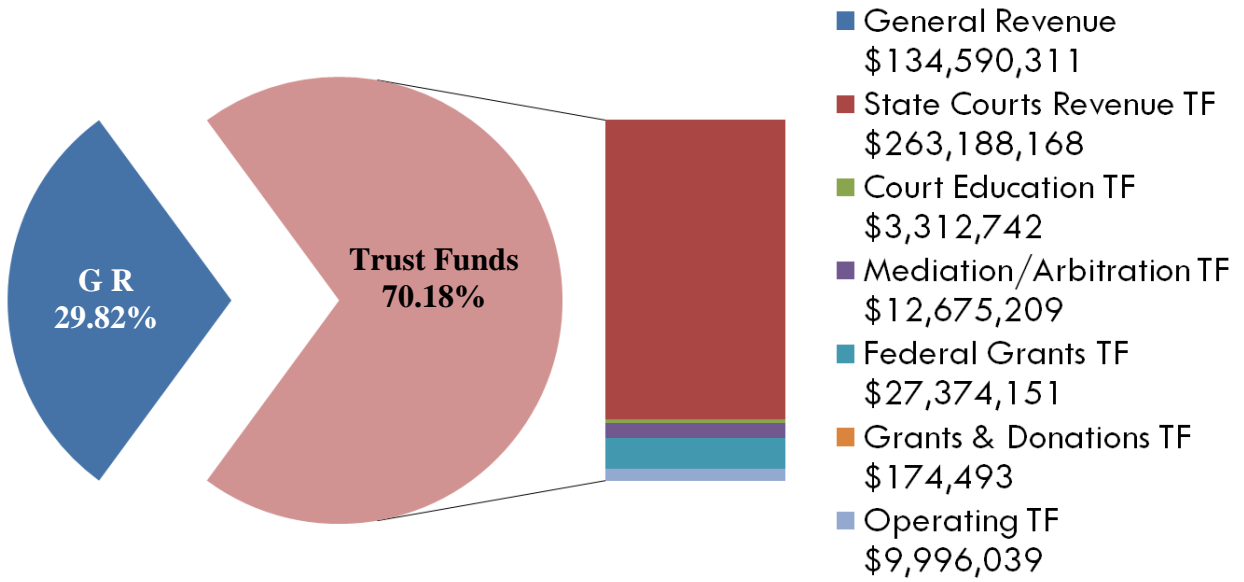
July 2009 to February 2010

| | | | |
|---|-----------------------------------|--|--|
| <p>\$180 Redirect/Increase in Circuit Civil (Excluding Foreclosures) 9%</p> <p>\$115 Increase in Probate 2%</p> | <p>\$80 Redirect in Family 2%</p> | <p>Counterclaim Graduated Fee Increase 0.2%</p> | <p>\$5 Civil Traffic Assessment 3%</p> <p>\$25 Speeding Fine Increase 2%</p> <p>Adjudication Withheld Fine 1%</p> <p>18% Driving School Reduction 1%</p> |
| <p>Total Revenues Collected July 2009 to February 2010: \$280,561,792</p> | | <p>Real Property/Foreclosure \$80 Redirect, \$100 Fee Increase and Graduated Filing Fee Increase 80%</p> | |

Note: Revenues collected are used to fund state court system obligations and are subject to an 8% service charge.

State Courts System Funding Fiscal Year 2009/10

Total: \$451,311,113



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.**

State Court System Legislative Budget Request Fiscal Year 2010-11

Florida's battered economy remains in a downward spiral, and the courts and the Legislature continue to work together to keep the court system open and operating to carry out its constitutional duty of providing justice. More specifically, the courts are needed to protect the rights and liberties of our people and to provide for the peaceful resolution of disputes. The latter is a critical component of a healthy economy.

The trust fund created by the Legislature in 2009 was the first step toward funding the needs of the courts.

The 2010-11 Legislative Budget Request was submitted to the Legislature in the fall. It requested an additional 841 positions, \$149,384,508 total funds and \$22,679,174 in non-recurring funds for all levels of the courts system. The current budget (2009-10) is \$451,311,113. The request for new positions and funding reflects real needs stemming from increased workloads and the need to financially stabilize the courts after past budget reductions.

The total request for new critical budget priorities for fiscal year 2010-2011 is \$53,352,624 in spending authority and \$20,546,390 in non-recurring dollars. This includes an economic recovery funding proposal, restoring the 2% salary cut for judges, technology refresh projects and necessary court maintenance and capital improvement projects.

The revenue available to the Legislature continues to decline while the state's needs increase. Chief Justice Peggy Quince has pledged that with the support of our citizens, legislators, the business community, and The Florida Bar, we will secure the funding needed for our courts to handle every case efficiently and effectively. The new State Courts Revenue Trust can provide the funding the courts need for critical priorities and reduce the need for further budget reductions. This is our priority for the 2010 Legislative Session.

Cases Continue to Increase

The work of the district courts and trial courts continues to grow. Overall, **4.6 million cases** were filed in the trial courts last year, **up 13 percent from two years ago**. The latest statistics show the following increases in specific areas (from FY 2006-07 to FY 2008-09):

- condominium cases increased by 99 percent
- contract and indebtedness cases increased by 65 percent
- product liability cases increased by 34 percent
- county civil cases up to \$15,000 increased by 24 percent
- real property/mortgage foreclose **increased by 258 percent!**

In the district courts, administrative, criminal appeal (excluding post conviction), and family filings increased 19 percent, 16 percent, and 13 percent respectively over the last 5 years (from FY 2004-05 to FY 2008-09).

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

“The aggregate of all quantifiable costs associated with court-related delays in civil case adjudication results in direct economic impacts (i.e., costs to the economy) approaching \$10.1 billion annually. These added direct costs and burdens on the economy adversely impact employment, the generation of labor income, economic output and public revenues throughout the State of Florida. In the current economic climate, the State cannot afford the loss of economic dynamism attributable to the under-funding of the court system.” *The Washington Economics Group, Inc. February 9, 2009*

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

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

- Further layoffs of staff would significantly impair court operations, forcing citizens to wait substantially longer for court action.
- Elimination of civil traffic hearing officers would slow the 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 increased 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
- court interpreting services

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**

Technology

Electronic Filing in Florida's Courts

The Florida State Courts System has been working on automating the process for filing court documents for many years. In 2008, the Legislature supported these efforts by mandating a transition to the electronic filing—"e-filing"—of court records and requesting the Supreme Court to set standards, which it did on July 1, 2009. One of those standards provided that a statewide electronic filing portal—"e-portal"—would be developed under the direction of the Supreme Court.

Why should the courts implement e-filing?

The use of automation and technology is making many government functions more accessible and more convenient for citizens to use. Filing court documents is no different. In addition to saving litigants time and money, e-filing will also significantly reduce the costs of paper and storage for the courts.

Why is it taking some time to achieve e-filing?

Judicial records lie at the heart of the judicial function. The ability to receive, review, and issue court records and court orders is essential for a judge to be able to rule in a case. Since electronic files will replace the traditional paper court file, they must contain everything a judge needs to make decisions, just as the paper file did. The success of e-filing depends on a thorough understanding of how an electronic file is best used by a trial judge hearing cases in the courtroom.

E-filing is expected to save the state money. But reducing costs for clerks of court and the judiciary is not the only goal that e-filing must achieve. State law (section 28.22205) specifically states that e-filing must give courts the information they need to decide cases more quickly and to improve judicial case management. These two goals – increased timeliness in the processing of cases and improved judicial case management – are critically important and must not be overlooked or overshadowed. These goals can be met only if judges get all the information they need to decide cases properly and manage their dockets efficiently. It's equally important that e-filing provide the judicial branch with the necessary data to be able to best allocate the resources that are available to the courts.

What is the e-filing portal?

The electronic filing portal will be a uniform public electronic gateway to be used for the transmission of electronically-filed documents from filers to the courts. It will be governed by the courts. The e-portal will provide for e-filing of court documents in all five district courts of appeal and the Florida Supreme Court as well as in all 20 judicial circuits. The electronic filing portal will provide parties with a common entry point for filing and viewing court documents that are electronically filed.

With regard to e-filing, what is the role of the clerks of court?

A clerk's duties begin when the document or record is received. The acceptance of a filing is a ministerial duty to effectuate the clerk's statutory duty to maintain the court record. Individual clerks of court use e-filing systems to maintain court records.

The e-portal will uniformly deliver to the clerks statutorily-mandated filing fees and electronic filings in a form that the clerks can immediately receive, review, accept, docket, file, and maintain. The clerk will also continue to have duties respecting paper filing.

What is the status of e-filing?

The Supreme Court has had rules on e-filing since 1979. Under those rules, Supreme Court approval is required for all e-filing systems implemented in the trial courts. As of December 2009, 27 electronic court filing systems, 3 electronic distribution systems, 12 electronic/digital signature systems, 3 electronic mail/fax filing systems, and 2 other electronic systems were approved. Additionally, 1 electronic filing system proposal is currently under review.

What is the status of the e-filing portal?

In the summer of 2009, the Florida Courts Technology Commission determined that statewide e-filing should begin in the probate division of the circuit courts. A workgroup consisting of clerks of court, representatives of court administration and chief technology officers, probate judges, and attorneys who specialize in probate law have defined and compiled the data elements to be captured in all filings in the probate division. The work on probate is nearly complete, and a workgroup has begun the same process for juvenile dependency cases.

Another workgroup was also established to define and compile the requirements for a statewide portal.

The State Courts System issued a Request for Information (RFI) for an e-filing portal in October 2009. In conformance with purchasing guidelines for the judicial branch that require an open, fair, and competitive purchasing process, the courts are developing an Invitation to Negotiate (ITN) that will allow all qualified vendors to compete for the opportunity of providing a solution that meets the needs and standards of the judicial branch.

Also under review is a proposal from the Florida Association of Court Clerks, Inc., for a Statewide E-Filing Portal Interlocal Authority to own and operate the e-portal, which would be created by the county clerks of court through a Chapter 163, Florida Statutes, interlocal agreement.

Good Stewards of State Resources

Florida has a budget of less than \$67 billion, and funding for the courts is **less than 0.7 percent of that total budget**. The budget for the courts has not kept up with new laws and demands placed on the courts. The courts have found innovative ways to align their resources to keep the court doors open to the public.

Florida's court system manages its workload in a cost-effective and productive way by utilizing professionals such as judicial assistants, staff attorneys, court administrators, magistrates, hearing officers, mediators, and case managers. 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. Unfortunately, these are the type of positions that are cut when budget reductions are made.

The overall opinion of the state courts for most Floridians – 56 percent in a survey of more than 2,000 adults in January and February 2009 – was good, very good, or excellent. Only 13 percent had a poor opinion of the state courts. We must maintain and improve upon this level of confidence in order to preserve the Rule of Law. 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.

“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” *Roger Hanson, 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.” *Report by Florida Tax Watch*

We must not go backwards.

In the last five years, just 27 percent of the new judgeships needed in Florida to handle the workload have been funded by the Legislature. This year, the branch needs (pending) more judges to properly handle the demands placed on the courts by our citizens.

Courts Touch Everyone

Florida's court system touches millions of lives. Each of the more than 4.6 million cases filed in Florida's trial courts last year represents at least one Floridian with a need for justice:

Victims of crime... people accused of crimes...couples in the throes of divorce/families grappling with custody issues/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 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.

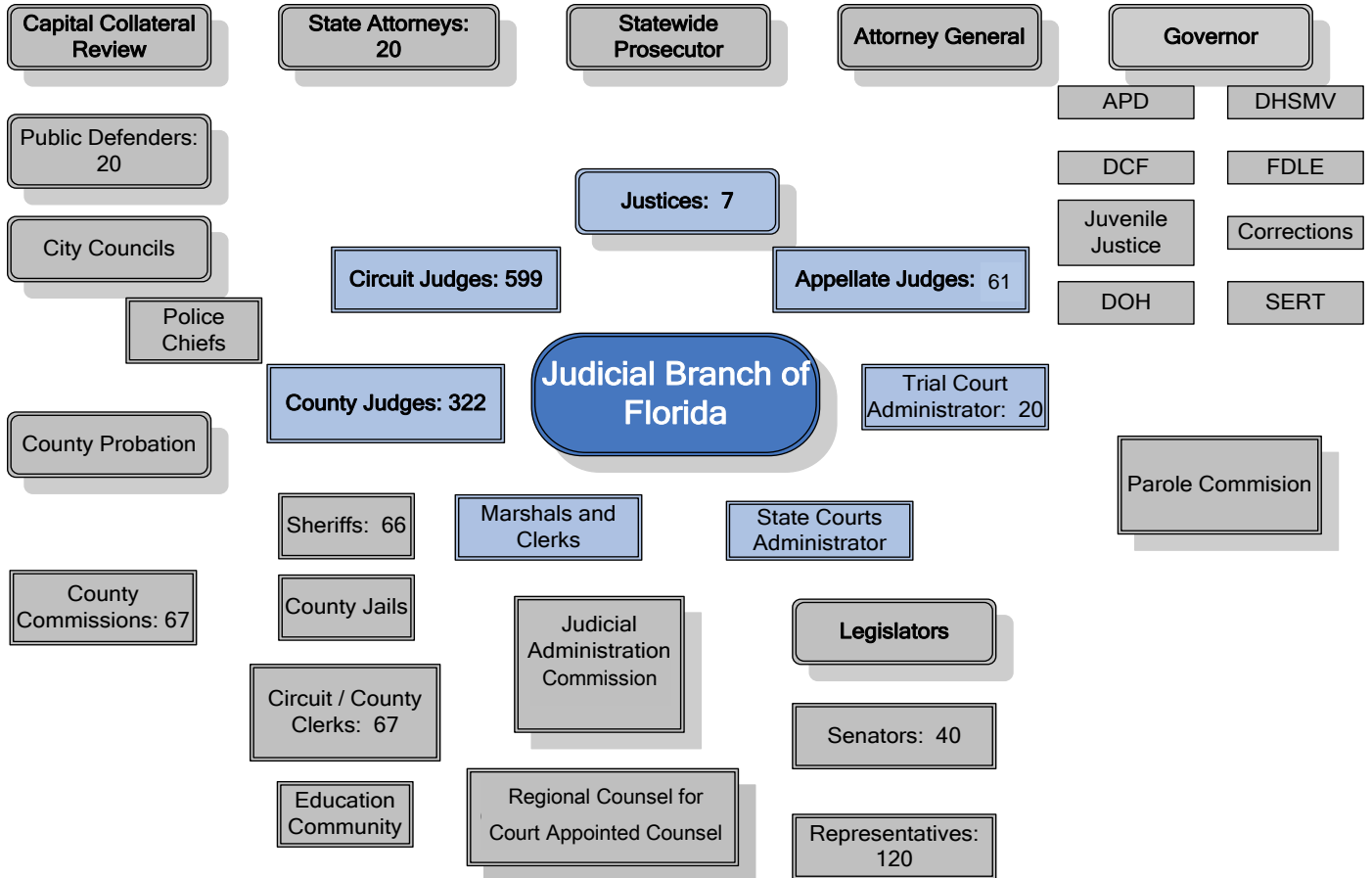
The court system budget is only 0.7 percent of the budget for state government, a small amount to be paid to honor fundamental expectations of government:

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

Court Facts

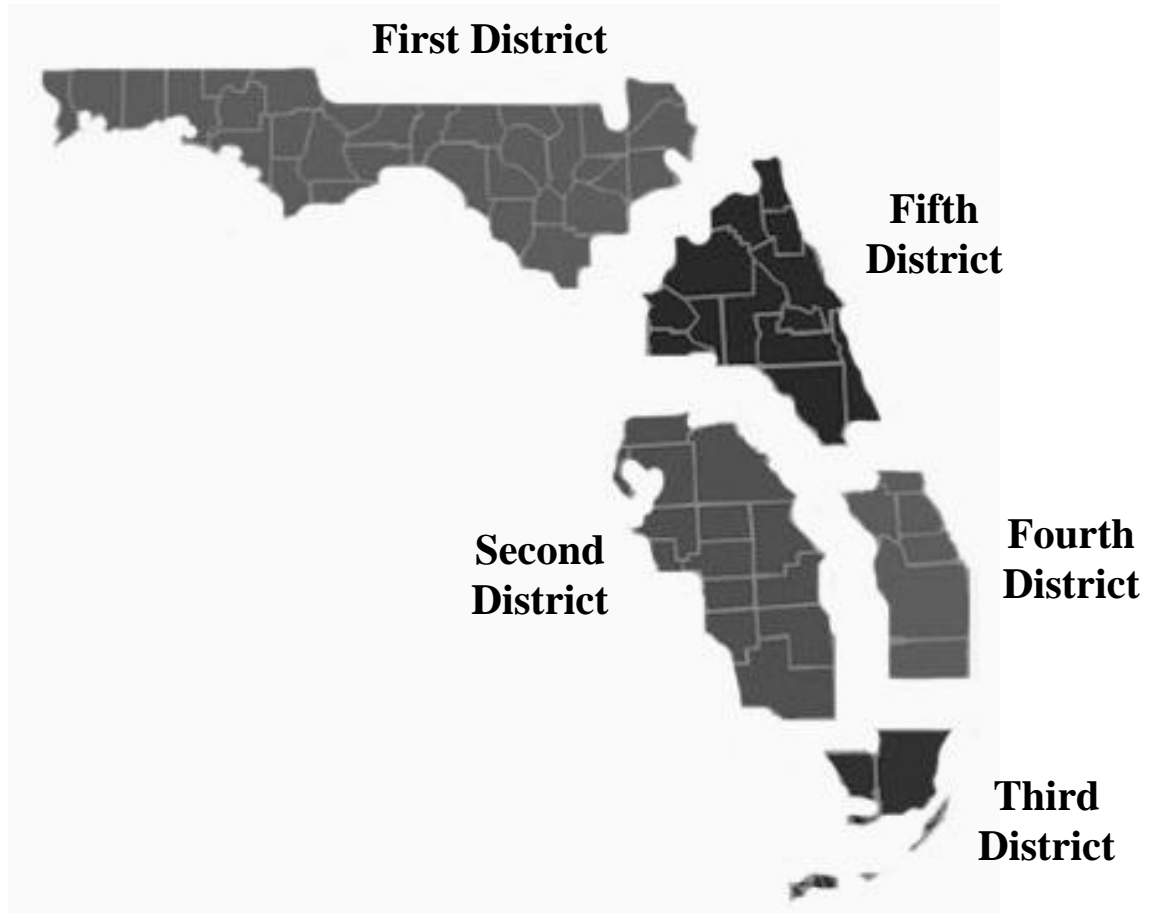
- Florida is still on track to break the 20 million mark in 2015, becoming the third most populous state sometime before then – surpassing New York.
- Every Floridian is likely to be touched by the judicial branch of government. Whether as a plaintiff or a defendant in a business or property dispute, a personal injury case, a child in a custody dispute, a victim of violent crime, an heir in a probate proceeding, or a witness, juror, or attorney, most Floridians interact with a court in some direct way during their lifetime. *Florida Tax Watch*
- Legislative mandates – Florida's courts are struggling to fully meet all state and federal requirements at a time of diminished resources. Many cases involving children now contain allegations of domestic violence and substance or child abuse. Many of these cases involve self – represented litigants, and courts struggle to proceed in a fair and effective manner. Criminal, civil, and traffic laws are becoming more complex, requiring more judicial time, and the number of these cases is increasing as the state experiences population growth and economic difficulties.
- More than 25,600 Floridians have graduated from drug court in the last five years alone. Thanks to drug court, thousands of Floridians who might otherwise still be entangled in the criminal justice system are, instead, sober, hard-working, forward-looking, and productive family members, neighbors, and citizens.

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/ Chief Judge |
|-----------------------|--|
| 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 Chief Judge Paul Hawkes (850) 487-1000 |
| 2nd | Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Chief Judge Darryl C. Casanueva (813) 272-3430 |
| 3rd | Miami-Dade and Monroe Chief Judge Juan Ramirez, Jr. (305) 229-3200 |
| 4th | Broward, Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie Chief Judge Robert M. Gross (561) 242-2068 |
| 5th | Brevard, Citrus, Flagler, Hernando, Lake, Marion, Orange, Osceola, Putnam, Seminole, St. Johns, Sumter, and Volusia Chief Judge David A. Monaco (386) 947-1502 |

Florida's Circuits



| Circuit | Counties within / Chief Judge |
|------------------------|--|
| 1st | Escambia, Okaloosa, Santa Rosa, and Walton Chief Judge Terry D. Terrell (850) 595-4464 |
| 2nd | Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla Chief Judge Charles A. Francis (850) 577-4306 |
| 3rd | Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Chief Judge David W. Fina (386) 362-6353 |
| 4th | Clay, Duval, and Nassau Chief Judge Donald R. Moran, Jr. (904) 630-2541 |
| 5th | Citrus, Hernando, Lake, Marion, and Sumter Chief Judge Daniel Merritt, Sr. (352) 754-4221 |
| 6th | Pasco and Pinellas Chief Judge J. Thomas McGrady (727) 464-7457 |
| 7th | Flagler, Putnam, St. Johns, and Volusia Chief Judge J. David Walsh (386) 239-7790 |
| 8th | Alachua, Baker, Bradford, Gilchrist, Levy, and Union Chief Judge Martha Ann Lott (352) 374-3646 |
| 9th | Orange and Osceola Chief Judge Belvin Perry, Jr. (407) 836-2008 |
| 10th | Hardee, Highlands, and Polk Chief Judge J. David Langford (863) 534-4650 |
| 11th | Miami-Dade Chief Judge Joel H. Brown (305) 349-5720 |
| 12th | DeSoto, Manatee, and Sarasota Chief Judge Lee E. Haworth (941) 861-7950 |
| 13th | Hillsborough Chief Judge Manuel Menendez, Jr. (813) 272-5022 |
| 14th | Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Chief Judge Hentz McClellan (850) 674-5442 |
| 15th | Palm Beach Chief Judge Peter D. Blanc (561) 355-1721 |
| 16th | Monroe Chief Judge Luis M. Garcia (305) 852-7165 |
| 17th | Broward Chief Judge Victor Tobin (954) 831-6332 |
| 18th | Brevard and Seminole Chief Judge J. Preston Silvernail (321) 617-7262 |
| 19th | Indian River, Martin, Okeechobee, and St. Lucie Chief Judge Steven J. Levin (772) 223-4827 |
| 20th | Charlotte, Collier, Glades, Hendry, and Lee Chief Judge G. Keith Cary (239) 533-9140 |

Long-Range Strategic Plan for the Florida Judicial Branch

Long-Range Issue #1: Strengthening Governance and Independence

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. 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.

To achieve this in an era of increasing workloads and limited resources, the branch must govern itself effectively and efficiently. The judicial branch must also 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.

Long-Range Issue #2: Improving the Administration of Justice

The state courts of Florida annually dispose of more than 3.5 million cases, ranging from simple traffic citations to serious criminal cases and complex civil disputes with multiple parties. These cases are disposed through a range of dispute resolution processes, including diversion, mediation, plea, and adjudication by trial. The resources needed to process cases vary depending on the type of case and the manner of disposition. Increasingly, many litigants choose to represent themselves without counsel, which can pose challenges to the court. In addition, the Constitution of the State of Florida provides for a right of appeal of all final judgments as well as some non-final orders.

The management of such large caseloads and the administration of the resources and personnel necessary to manage the different types of cases is a complex undertaking. This task is increasingly challenged by growing caseloads and decreasing resources. To meet these challenges, the courts must constantly find ways to improve the processes used to accomplish their constitutional mission. The judicial branch must remain committed to ongoing improvement in the administration of justice, including effective case processing policies and the efficient management of resources.

Long-Range Issue #3: Supporting Competence and Quality

The delivery of justice is affected by the competence and quality of judicial officers, administrators, and court staff. Law and court procedures are increasingly complex, and those within the judicial system face difficult legal and ethical issues as well as heightened societal expectations. Consequently, advanced levels of training and development are critical to enable those who work within the system to effectively perform the challenging work of the courts and meet demands placed on them. The Florida State Courts System is committed to having a workforce that is highly qualified and dedicated to service.

Ongoing professional development, education, and training, with appropriate emphasis on effective resource management policies and practices and ethical behavior, are essential to ensure a competent and high quality workforce to adequately address court operations, improve interactions with the public, and enhance perceptions of procedural fairness. Court system users reasonably expect the courts to employ effective management techniques, continuous operational improvement, innovative technologies, and superior service levels. The State Courts System will continue to foster working environments and organizational cultures marked by high achievement and work satisfaction while successfully meeting these challenges.

Long-Range Issue #4: Enhancing Court Access and Services

Public access to the courts is a cornerstone of our justice system. Article I, section 21 of the Constitution of the State of Florida 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.” Inherent in this mandate is the precept that our courts are neutral bodies that will interpret the law fairly and will ensure equal treatment of all parties.

However, litigants do face some obstacles in seeking access to the courts. The cost of litigation, communication and language barriers, lack of information, complexity, cultural and attitudinal biases, and physical obstructions can be substantial impediments to accessing the courts. Additionally, the elderly and individuals with developmental disabilities, mental illness, dementia, and visual and hearing disabilities may also experience difficulty with access. Obstacles are particularly difficult for the increasing number of pro se litigants in Florida’s courts; they may come to the courts for many reasons but often have a minimal understanding of the law, little information about court procedures and rules, and limited access to assistance.

Long-Range Issue #5: Enhancing Public Trust and Confidence

Public trust and confidence in the judicial branch is at the core of maintaining a peaceful and democratic society. The judicial branch must consistently strive to maintain and improve the public’s trust and confidence by fulfilling its mission of protecting rights and liberties, upholding and interpreting the law, and providing for the peaceful resolution of disputes; and by achieving its vision of being accessible, fair, effective, responsive, and accountable to all Floridians.

Recent findings indicate that confusion still exists among the public about the role, purposes, and function of courts, and a compelling need remains to better educate and inform the public about the role and accomplishments of the branch. To further fulfill its mission and achieve its vision, the judicial branch must also perform its duties with impartiality, integrity, and honesty. The State Courts System can also enhance public trust and confidence by maintaining the highest standards of accountability for its use of public resources, adhering to statutory and constitutional mandates, and continuing to improve its overall performance.

Challenges for the Twentieth Judicial Circuit

Strategic Issue #1 - Stable Funding for Future of the 20th Circuit Judiciary

State and County budget cuts to the courts in the 20th circuit have diminished the local circuit courts ability to meet rising caseloads that have shown a 16.3% annual increase in circuit filings and 9.3% average annual increase in county court filings since 2005.

State budget reductions to the 20th Circuit in 2007-08 and 2008-09 cut 15 % of the support staff FTE's and reduced circuit budget by over \$1.4 million despite caseload growth. The circuit courts also found efficiencies to reduce county budgeted costs to support local courts by \$1 million since 2007.

The 20th Circuit Courts recognize the need to reduce costs and improve efficiencies in these difficult economic times. However, the economic downturn has created enormous demands on the courts from foreclosures, families in crisis and civil contract and indebtedness cases. As the economy slumps, the court's work increases in civil, family and criminal areas. Stable funding support for the courts is now critical to sustain any level of economic and community recovery.

The judiciary needs a stable and balanced funding source for the future that includes adequate state funding of judicial needs, due process costs and case management support to fairly and effectively handle the 230,000 disputes filed in the 20th circuit.

Less than 0.7% of the state budget is allocated to the state judiciary. The trial courts and 20th Circuit Courts serve a core role in community and economic recovery, and require legislative commitment to full and "stable" court funding that provides a base of state general revenue committed to core judicial needs including due process costs, case management staffing and an adequate number of judges.

Strategic Issue #2 - Civil Justice/Foreclosure Funding Initiative & Reform

The 20th Circuit Courts have been inundated by economic downturn and the foreclosure crisis. Lee County in particular has been ranked among the top three metropolitan areas in the U.S. in foreclosure impact. Civil and Foreclosure filings increased 396% in the circuit over the past three years, and while they are showing recent leveling trends, the current trend projects 30,000 filings in the circuit during 2010-11. Civil and business cases have also shown large increases and the backlog of civil cases is growing, with 31% of civil cases delayed beyond the time standard of 18 months.

The 20th Circuit Courts have initiated a civil caseload management/delay reduction initiative in cooperation with the local Bar Associations for 2010. State level economic recovery funding to support this effort is a critical need for 2010.

Strategic Issue # 3 – Improve Judicial Capacity -20th Circuit

The 20th Circuit currently has only 83% of the Supreme Court certified number of judges needed to stay even with current case filings, with essentially no judicial resources to address the growing backlog in civil cases. No additional judges have been allocated to the circuit over the past 4 years, despite caseload growth averaging 9.3% or 16% per year on average.

The circuit has been forced to reassign and move judges throughout the circuit to balance judge shortages and growing needs. Adequate judicial allocations are needed to minimize these stop gap measures and ensure adequate judicial capacity throughout the circuit.

Strategic Issue #4 – Integrate Court/ Criminal System Technology in the Circuit

Criminal systems technology in the circuit is not well integrated and depends on five Clerk systems, five Jail systems, SAO, Public Defender and Court IT systems to share data and information. A National Center for State Courts study and five year technology integration plan has been developed to provide a solution. Funding is needed from the \$2.00 technology fee or other state/county funding source to build a modern criminal court IT system for the future. Funding to support AWAC- Active Warrant Alert systems in the state is needed to tie Warrant system (FDLE) to Court calendars (5 Clerks systems), SAO, Sheriffs system (5 systems). Integrating these systems should be a state public safety priority.

The circuit has seen no abatement in the number of foreclosures. Calendar year 2009 ended with our two most populous counties exceeding the prior year in foreclosure filings. The following charts indicate the historical growth of foreclosure cases in Manatee and Sarasota Counties.

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 3, 2010