

## The Structure of the Florida Judicial System

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### Supreme Court

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

### District Courts of Appeal

- Sixty-one judges - six-year terms
- Five Districts:
  - 1st District - Tallahassee - 15 judges
  - 2nd District - Lakeland - 14 judges
  - 3rd District - Miami - 11 judges
  - 4th District - West Palm Beach - 12 judges
  - 5th District - Daytona Beach - 9 judges
- Cases reviewed by three-Judge panels

### Trial Courts

- Circuit Courts
  - 448 judges - six-year terms
  - Twenty judicial circuits
  - Different number of judges in each circuit
  - Different number of judges in each circuit
  - Judges preside individually
- County Courts
  - 258 judges - six-year terms
  - At least one judge in each of the 67 counties
  - Judges preside individually

[Florida Trial Courts Fact Sheet](#)

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## The Circuit Courts

The majority of jury trials in Florida take place before one judge sitting as judge of the circuit court. The circuit courts are sometimes referred to as courts of general jurisdiction, in recognition of the fact that most criminal and civil cases originate at this level.

There are 20 judicial circuits, each with a varying number of judges dependent upon population and caseload of the particular area. Circuit court judges are elected by the voters of the various circuits in nonpartisan, contested elections against other persons who choose to qualify as candidates for the position. Circuit court judges serve for six-year terms, and they are subject to the same disciplinary standards and procedures as Supreme Court justices and district court judges. A chief judge is chosen from among the circuit judges in each judicial circuit to carry out administrative responsibilities for all trial courts (both circuit and county courts) within the circuit.

Circuit courts have general trial jurisdiction over matters not assigned by statute to the county courts and also hear appeals from county court cases. Thus, circuit courts are simultaneously the highest trial courts and the lowest appellate courts in Florida's judicial system.

The trial jurisdiction of circuit courts includes, among other matters, original jurisdiction over civil disputes involving more than \$15,000; controversies involving the estates of decedents, minors, and persons adjudicated to be incompetent; cases relating to juveniles; criminal prosecutions for all felonies; tax disputes; actions to determine the title and boundaries of real property; suits for declaratory judgments; and requests for injunctions to prevent persons or entities from acting in a manner that is asserted to be unlawful. Lastly, circuit judges are also granted the power to issue the extraordinary writs of certiorari, prohibition, mandamus, quo warranto and habeas corpus, and all other writs necessary to the complete exercise of their jurisdiction.

### Chief Judge of the Circuit Court

The chief judge for each circuit is chosen by the circuit and county judges in the circuit. However, if there is no majority vote, the chief judge will be selected by the chief justice of the Supreme Court. The term for the chief judge is two years and begins on July 1 of each odd numbered year. A chief judge may be re-elected to serve successive terms.

The chief judge has the responsibility of administrative supervisor over all courts, judges and officers of the court in the circuit. As administrator of the circuit, the chief judge is responsible for:

- Developing an administrative plan for the circuit to run efficiently and properly
- Assigning judges to courts and divisions, and determining the length of each assignment
- Assigning judges to temporary duty within the circuit
- Appointing an "administrative judge" in any court or court division of the circuit
- Examining the status of every inmate in the county jails.

- Regulating the use of courtrooms, examining the dockets in the circuit, and requiring status reports of the actions on the dockets

### **Trial Court Administrator of the Circuit Court**

Each of the 20 circuits has a trial court administrator assisting the chief judge in carrying out administrative duties. The trial court administrator is selected by a majority vote of the circuit and county judges in their respective circuit and reports directly to the chief judge. The trial court administrator may provide support and assistance to the chief judge and other judges in the following management areas:

- Budget Administration
- Court Interpreters
- Court Technology
- Facilities Management
- Guardian ad Litem
- Jail Population Management
- Personnel Administration
- Probation
- Witness Management
- Case Flow Management
- Court Reporting Management
- Dispute Resolution
- Fiscal Administration
- Information Systems
- Jury Management
- Pretrial Release
- Public Information

### **Clerk of the Circuit Court**

The clerk of the circuit court is a local constitutional officer elected by the voters in their respective county for a term of four years. The clerk's office is located at the county seat.

The clerk keeps a progress docket on all proceedings going before the court. The clerk is the recorder of all documents authorized or required by law to be recorded in the county where the clerk presides. These documents are recorded in the "Official Records" which is the general series of books where the clerk is to register the time of filing, the filing number of each document filed for record, the kind of document, and the names of the parties on the document. The clerk is responsible for recording documents upon payment for the services rendered.

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## **The County Courts**

The Florida Constitution establishes a county court in each of Florida's 67 counties. The number of judges in each county court varies with the population and caseload of the county. County judges who have been members of The Florida Bar for at least five years are eligible for temporary assignment to circuit court, and they are frequently assigned as a means for chief judges to manage caseload.

County judges serve four-year terms, and they are subject to the same disciplinary standards, and to the jurisdiction of the Judicial Qualifications Commission, as all other judges. In lieu of impeachment, however, they are subject to suspension by the governor.

The trial jurisdiction of county courts is established by statute. The jurisdiction of county courts extends to civil disputes involving \$10,000 or less for actions accruing on or after July 1, 1990, and \$15,000 for causes of action accruing on or after July 1, 1992. The majority of non-jury trials in Florida take place before one judge sitting as a judge of the county court. A large part of the courts' work involves volume citizen disputes, such as traffic offenses, less serious criminal matters (misdemeanors), and relatively small monetary disputes (small claims).

In 1989 the Florida Legislature authorized the establishment of a Civil Traffic Infraction Hearing Officer Program to free up county judges for other county court work and for circuit court assignments. In 1990 the Florida Supreme Court adopted rules and procedures for a pilot program. Initially, participation in the program was limited to those counties with a civil traffic infraction caseload of 20,000 hearings, but the threshold was subsequently lowered to 15,000. Furthermore, magistrate jurisdiction originally excluded civil traffic infractions issued in conjunction with a criminal offense and cases involving an accident that resulted in injury or property damage. The 1990-91 Legislature expanded the magistrate Jurisdiction to include accidents resulting in property damage (not bodily injury). At the end of the year-long pilot project, the Florida Supreme Court recommended and the Legislature approved that the program be continued on a local option basis.

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### **Judicial Qualification System**

Article V, section 12, Florida Constitution, provides for the creation of a 13-person Judicial Qualifications Commission (JQC). The purpose of the JQC is to receive complaints relating to justices and judges and, if necessary, to conduct hearings and make recommendations for discipline to the Florida Supreme Court.

The passage of Amendment #4 to the Florida Constitution on November 5, 1996, expanded the JQC from 13 to 15 members. It also creates investigative and adjudicative panels within the commission and broadens the allowable JQC sanctions to include simultaneous lawyer reprimand and the imposition of fines.

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### **Other Officials Within The Court System**

The Florida Constitution creates official positions essential to the administration of justice and to the operation of the state's judicial system.

#### **State Attorney**

In each of the 20 judicial circuits, a state attorney represents the state in the prosecution of state law violations (civil or criminal) in either county or circuit court. State attorneys are elected in each circuit for a four-year term.

#### **Public Defender**

The 1963 Legislature established the office of public defender in each circuit to defend financially indigent criminal defendants in all but a small number of minor matters. There is a public defender in each of Florida's 20 judicial circuits.

A public defender is appointed to represent the defendant by the presiding judge once it has been determined that the individual cannot afford legal counsel. Public defenders are elected in each circuit for a four-year term.

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## Auxiliary Agencies

### The Florida Bar

The Florida Bar, with executive offices in Tallahassee, is the state-wide professional organization of lawyers. Florida has an "integrated bar," which means all lawyers admitted to the practice of law in Florida must be members of the official professional association. The authority for the establishment and maintenance of the Bar as an integrated bar association is a 1949 rule of the Supreme Court based on the Court's constitutional authority to regulate the practice of law in Florida.

The Bar assists the Court by recommending disciplinary action in grievance

proceedings against lawyers and in cases of complaints of the practice of law by unauthorized persons. Committees of the Bar frequently draft, and propose to the court, amendments to court rules of procedure. The Florida Bar, with the cooperation of local bar associations, conducts public information programs, assists in providing legal aid to people who are unable to pay legal fees, and provides educational services to members through seminars and publications.

The governing body of the Bar is the Board of Governors, whose members are elected by members of the Bar. The administration of Bar activities is coordinated by an executive director, staff counsel, and director of Continuing Legal Education. The Bar can be reached at (904)561-5600.

### The Florida Board of Bar Examiners

The Florida Board of Bar Examiners (FBBE), located in Tallahassee, is an instrument of the Supreme Court designed to assure that only qualified persons will be admitted to the practice of law. Created by a 1955 rule of the Court, the FBBE is composed of three non-lawyer members who serve three-year terms and 12 members of the Bar who serve staggered, five-year terms. The Bar members are usually elected by the court from slates of nominees submitted by the Board of Governors.

The board's functions are to determine the professional competence of applicants for admission to practice by conducting written examinations in subjects determined by the Court, to investigate the character and other qualifications of applicants, and to submit to the Supreme Court the names of all applicants who are deemed fully qualified for admission to practice. Admission to the Bar is finally accomplished by rule of the Court. The FBBE can be reached at (904)487-1294.

