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Report No. 17-05

A Review of the Florida District Courts of Appeal Boundaries and Workload

at a glance

Florida's district courts of appeal have jurisdiction to hear appeals of final judgments or orders of lower tribunals that are not directly appealable to the Supreme Court or a circuit court. The district courts of appeal (DCAs) are currently organized into five districts. The geographical boundaries of the DCAs have not changed since the addition of the Fifth District Court of Appeal in 1979. The DCAs vary in size, with the largest court being the Second DCA, composed of 16 judges, and the Third DCA being the smallest at 10 judges. Over the past 10 years, appellate case filings have declined both statewide and in four of the five DCAs.

Currently, the proportion of judgeships in each district is comparable to both the proportion of appellate filings and the population. However, forecasted population growth in the central and southwestern parts of Florida may be a factor in future judicial workload and the Legislature could consider options to modify the boundaries of the current districts.

Scope

[Chapter 2016-066](#), *Laws of Florida*, directs OPPAGA to conduct a review of the Florida district courts of appeal to determine whether the current jurisdictional boundaries fairly and effectively distribute the workload of the circuit courts and to identify options for rearranging the districts' boundaries to improve workload distribution and reduce costs to the court system.

Background

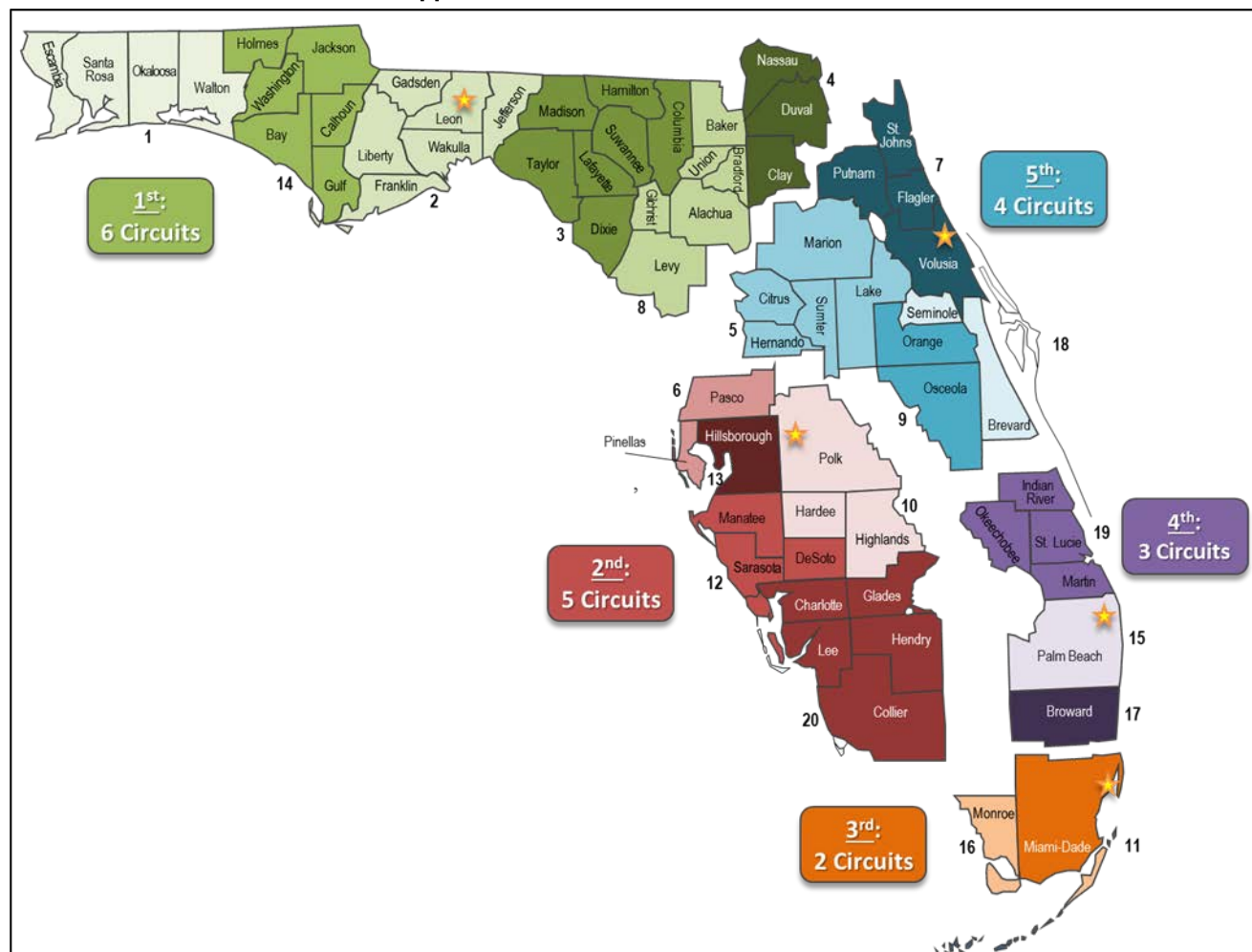
Article V of *The Constitution of the State of Florida* establishes district courts of appeal (DCAs). The DCAs have jurisdiction to hear appeals of final judgments or orders of trial courts that are not directly appealable to the Supreme Court or a circuit court.¹ The DCAs also hear appeals of state agency actions. The Supreme Court has limited jurisdiction to review the decisions of the district courts of appeal, making them the courts of last resort in most instances. There are five district courts of appeal in Florida, which are organized by geographical boundaries with courthouse headquarters located in Tallahassee, Lakeland, Miami, West Palm Beach, and Daytona Beach. (See Exhibit 1).² These districts range from two to six judicial circuits.³

¹ The sources of the jurisdiction of the district courts of appeal (DCAs) include *The Constitution of the State of Florida*, rules adopted by the Supreme Court, and statute.

² The headquarters of the DCAs are established in s. [35.05](#), *Florida Statutes*.

³ *The Constitution of the State of Florida* provides that a circuit court shall be established to serve each judicial circuit. The Legislature has established twenty circuits which cover all 67 counties.

Exhibit 1 Florida Has Five District Courts of Appeal



Source: Office of the State Courts Administrator.

The Legislature appropriated the DCAs \$61.1 million and 445 positions for Fiscal Year 2016-17, of which \$41.7 million was for salary and benefits. The appropriation also includes \$7.5 million in fixed capital outlay for a multi-year construction project to build a new courthouse in the Fourth DCA; the total \$61.1 million appropriated for the district courts amounts to 11.9% of the entire appropriation for the judicial branch. In Fiscal Year 2016-17, the district courts had 433.5 full-time equivalent positions filled,

including 64 judges.⁴ The Florida Constitution requires that each DCA must have at least three judges. Currently, the number of judges ranges from 10 in the Third DCA to 16 in the Second DCA. An appellate judge serves for six years and must be retained by vote of the registered voters in the district to serve another six-year term. This vote is called a merit retention vote since appellate judges run on their records and are not opposed by any other candidate.⁵

⁴ The total 433.5 staff are 64 judges, 64 judicial assistants, 177 law clerks, 9 related support positions, 5 clerks, 62 deputy clerks, 5 marshals and 47.5 associated positions, which include deputy marshals, court security, information technology, facility, custodial, and administrative support staff.

⁵ The Governor fills a judicial vacancy on a district court by appointment

from a list of at least three and not more than six qualified persons recommended by a Judicial Nominating Commission. Each appellate court district has a separate nominating commission. To be eligible for appointment, a person must be a registered voter residing in Florida and within the geographic jurisdiction of the court and who has been admitted to the practice of law in Florida for the preceding 10 years.

Other DCA staff includes law clerks, judicial assistants, and administrative positions. Law clerks provide assistance to judges on legal research and are primarily divided into two groups of attorneys: judicial clerks and central staff. Judicial clerks work directly with a judge and assist the judge in reviewing records, motions, and briefs, conducting legal research, and assisting with preparation of orders and opinions. The central staff unit handles case types that vary by DCA, but may include post-conviction cases or Anders briefs.^{6,7} Each of the 64 judges is also assigned one judicial assistant; while their roles vary, their responsibilities include assisting the judge in case management and case preparation, in addition to administrative and scheduling duties.

Each district court of appeal also has a clerk's office. The clerk's office handles case filings and case flow, which includes checking jurisdictional eligibility for cases, collecting all necessary paperwork from appellees and appellants, and assigning cases to judges. The clerk's office also schedules cases and ensures that cases meet time standards for completion.⁸ The clerk also has the authority to prepare certain orders, such as extending time or dismissing a case for failure to respond. The other main group of staff in Florida's district courts is within the marshals' offices.

The district courts of appeal hear a variety of cases and can dispose of them in multiple ways. The district courts review a variety of cases appealed from lower tribunals, including family, administrative, probate, guardianship, workers' compensation, juvenile, adult criminal, and post-conviction criminal appeals.⁹

Appeals must be filed with the court electronically through an e-file system.¹⁰ When the clerk receives a notice of appeal and all required associated documents, he or she typically will assign the case to a panel of judges for disposition.¹¹ The DCAs may resolve or dispose of cases in a number of ways. In many cases, a panel of judges issues a formal written opinion after meeting in conference. Judges most commonly meet in panels of three, and at least two judges must concur to render a decision.¹² Judges may decide cases with or without hearing in-person oral argument from the attorneys representing both sides. Cases involving oral argument made up only 7% of the dispositions in 2015. The courts may also administratively dispose of cases without assigning them to a panel of judges for a more formal decision. This is common for appeals that are filed late or do not meet the legal requirements necessary to invoke the courts' jurisdiction.

As cases move through the process, the clerk reminds parties of deadlines for filing certain documents and may prepare an order granting an extension of time. For those cases that are assigned to a panel of judges, the clerk's office, in cooperation with the court's chief judge, will monitor the progress of the case through the court.¹³

⁶ Anders briefs are filed by an attorney petitioning to withdraw from a case and informing the DCA that the attorney believes there are no legitimate issues for appeal.

⁷ The Third DCA is the only court that does not have central staff.

⁸ Rule 2.250(a)(2) of the *Florida Rules of Judicial Administration* requires that a case decision be complete 180 days after oral argument or conference. The clerk's office monitors case progress through monthly internal reports on how far along cases are in the process. The clerk must report cases that do not meet the 180 day time standard to the Florida Supreme Court.

⁹ The DCAs in Florida do not handle death penalty post-conviction cases. These cases go directly to the Florida Supreme Court.

¹⁰ There is an exception to the rule for pro se parties, such as pro se filing by paper or inmates filing by mail.

¹¹ The composition of panels and the assignment of cases is done in a random process by the clerk.

¹² Under rare circumstances, the court may have an en banc hearing or rehearing, where all of the judges on the DCA sit as a panel for a case.

¹³ Appellate judges in each district elect a chief judge who handles administrative responsibilities. Chief judges are chosen by a majority of the active judges of the district for a two-year term. A chief judge may serve for successive terms, but no more than eight years.

Due to the review nature of appellate court work, the general public has little in-person interaction with the courts. The daily activities and functions of appellate courts such as the district courts of appeal are very different from those of trial courts. Cases heard by trial courts involve in-person attendance by parties to the case, witnesses, and juries. As a result, there are many people going into Florida's trial courthouses on a daily basis. Appellate courts, in contrast, decide cases on the basis of the record from the trial court's proceedings and the written arguments of the attorneys. Since attorneys file appeals and related documents electronically, they typically only physically go to the courthouse if oral argument has been scheduled in a case. Appellants, appellees, and witnesses do not give additional testimony in appeals because the case is decided by the judges on the trial court record.

Most states have an intermediate appellate court, but their jurisdiction and structure varies by state. Like Florida, most states have intermediate appellate courts that review many of the state's appeals from trial court or administrative appeals. Often the intermediate appellate courts become the last court to hear cases because the states' highest court has limited jurisdiction and the discretion to choose to take cases. However, in Florida and other states, law requires some case types, such as death penalty cases, to bypass the intermediate appellate court and be filed directly in the state's highest court.

Unlike Florida, most other states have a single intermediate appellate court with statewide jurisdiction. However, there are some states that have more than one intermediate court of appeal based on case type or geographical jurisdiction.¹⁴ In addition to Florida, nine other states have an appellate structure organized by geographical boundaries.¹⁵ However, compared to these other states Florida's

appellate courts have the highest number of case filings and dispositions. Florida appellate courts also have fewer judges than California, Ohio, and Texas. For more information on how Florida appellate courts compare to similar states, please see Appendix A.

Findings

The Florida Constitution specifies a process for redefining district courts of appeal boundaries; boundaries last changed with the creation of the Fifth DCA in 1979

The Legislature has the final authority to determine any changes or redefinitions of the DCAs. The Constitution of the State of Florida requires the Supreme Court to establish by rule uniform criteria for the determination of the necessity for increasing, decreasing, or redefining appellate districts. If the court finds a need exists to increase, decrease, or redefine the appellate districts based on uniform criteria established in rule, it must certify its findings and recommendations to the Legislature prior to legislative session. Upon receipt of this certification, the Legislature shall consider the findings and recommendations and may reject or implement them in whole or in part.

If the Supreme Court fails to make findings when need exists, the Legislature may by concurrent resolution request the court to certify its findings and recommendations. If the court fails to certify its findings for nine consecutive months, the Legislature may increase, decrease, or redefine appellate districts upon a finding of two-thirds of the membership of the House and Senate that a need exists.

In 2004, the Supreme Court directed a court committee, the Committee on District Court of Appeal Workload and Jurisdiction, to develop uniform criteria for determining a necessity to modify appellate districts.^{16,17} The work of the

¹⁴ Intermediate appellate courts with case type jurisdictions hear different types of cases. For example, New York has an intermediate appellate court for criminal appeals and a separate intermediate appellate court for civil appeals.

¹⁵ New York and Tennessee have geographical divisions, but the state court systems are not comparable to Florida's and we did

not include them in our analysis.

¹⁶ In Re: Committee on District Court of Appeal Workload and Jurisdiction, Fla. Admin. Order No. AOSC04-122 (September 22, 2004).

¹⁷ The Supreme Court directive came after House Bill 1849, which earlier that year sought to create a Sixth Appellate District

committee resulted in the Supreme Court adopting rules for creating or redefining district courts in 2005.¹⁸

The Supreme Court's rule for creating or redefining district courts establishes a set of criteria for determining the necessity for modifying appellate districts. For example, the rule requires the Supreme Court consider the district courts' effectiveness, efficiency, accessibility, professionalism, and public trust and confidence and determine that the appellate review process is adversely affected by circumstances that present a compelling need for the certified change. In addition, the rule codifies a position of the court that increasing, decreasing, or redefining appellate districts should be used in limited circumstances only after all other less disruptive adjustments have been considered.¹⁹

Also, the rule establishes the procedure that the court follows for certifying to the Legislature a necessity for increasing, decreasing, or redefining appellate districts. This procedure begins with the Supreme Court receiving input from each DCA chief judge. The court also may create an assessment committee to study, seek public comment, apply rule criteria for need, and make recommendations to the court regarding changes to the DCA boundaries.

Since the establishment of the DCAs in 1957, the geographical boundaries have changed twice. In 1953, the Legislature created the Judicial Council to study the issue of the increased caseload and backlog of appeals for the Supreme Court. The council recommended the creation of three district appellate courts, the Legislature accepted that recommendation and proposed a constitutional amendment creating the first DCAs, which the voters ratified in 1956. The first three district courts of appeal were created in 1957 and headquartered in Tallahassee (First DCA), Lakeland (Second DCA), and Miami (Third DCA). See Exhibit 2 for a map of the original district court boundaries. The volume of cases for the original appellate courts was relatively small: for example, in 1957 the annual caseload for all three courts combined was approximately 2,300 filings for nine judges (three judges per court).

The Fourth District Court of Appeal was created in 1965.²⁰ The number of case filings in the district courts immediately after the creation of the Fourth DCA was still relatively low. For example, there were roughly 3,300 appeals filed in 1966 for 12 judges (three judges per district).

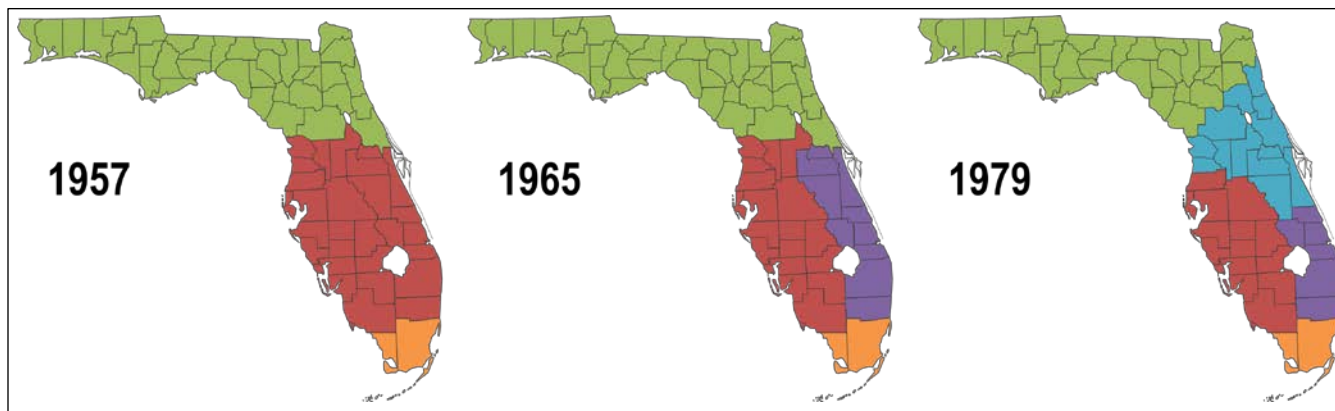
headquartered in the Thirteenth Judicial Circuit, Hillsborough County.

¹⁸ Rule 2.241, *Florida Rules of Judicial Administration*.

¹⁹ By rule, prior to recommending a change to an appellate district, the Supreme Court shall consider less disruptive adjustments including, but not limited to, the addition of judges, the creation of branch locations, geographic or subject-matter divisions

within judicial circuits or appellate districts, deployment of new technologies, and increased ratios of support staff per judge.

²⁰ A temporary headquarters for the Fourth DCA was Vero Beach; however, in response to findings from a court site location commission, the headquarters was relocated to West Palm Beach.

Exhibit 2**Since the Creation of the District Courts of Appeal in 1957, the Boundaries Have Changed Twice**

Source: OPPAGA analysis.

In 1979, the Florida Supreme Court recommended the creation of a fifth district court of appeal to include the 5th, 7th, 9th, 10th, and 18th judicial circuits with headquarters in Lakeland. The Supreme Court also recommended that the headquarters of the Second DCA be moved from Lakeland to Tampa or St. Petersburg. The Legislature created a Fifth DCA in 1979, but left the 10th circuit in the Second DCA, maintaining Lakeland as the headquarters of the Second DCA and designating Daytona Beach as the headquarters of the Fifth DCA. One year later, in 1980, the Second DCA established a branch headquarters in Tampa as authorized by the Legislature. The Second DCA remains the only district court with more than one location.

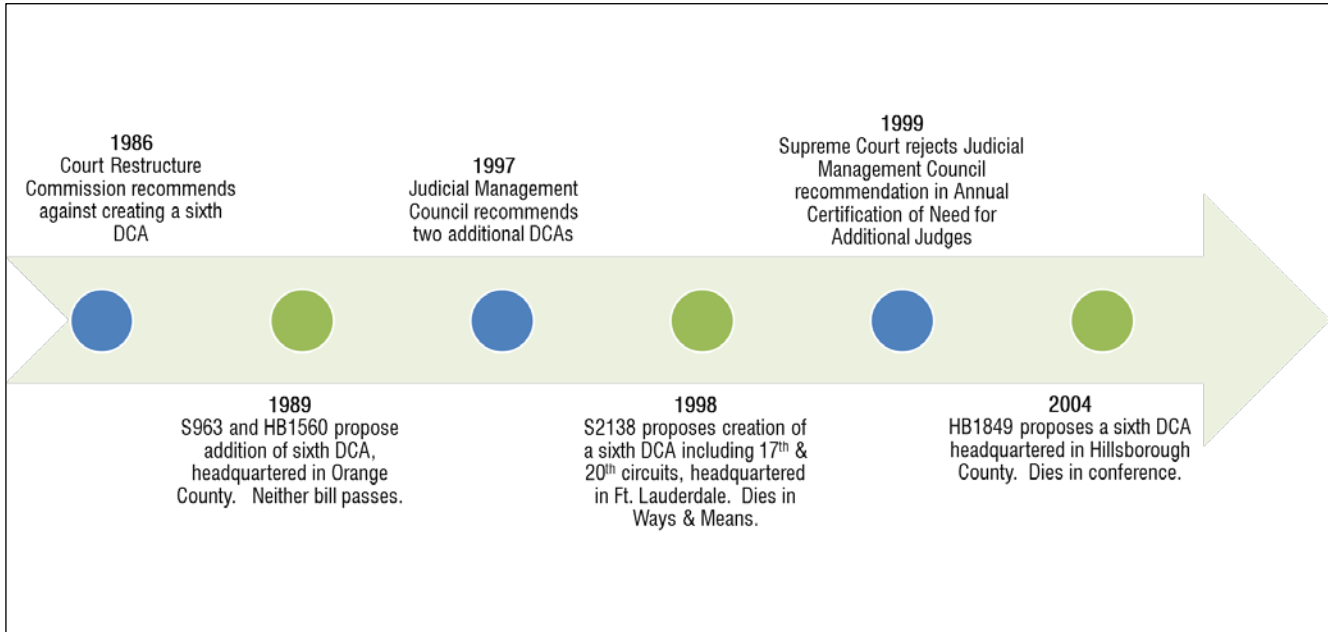
Since the creation of the Fifth DCA, there have been several bills and judicial reports contemplating changes to DCAs. These proposals included adding additional district courts of appeal or changing headquarters locations. Since the creation of the judicial rule for altering the boundaries of the DCAs in 2005, the Supreme Court has not certified to the Legislature the necessity to increase, decrease, or redefine appellate districts. Thus, the court has not initiated a process for altering the existing district court boundaries. However, there have been several court studies and legislative bills regarding altering the DCAs. The most recent was House Bill 815 in 2016, which proposed moving the headquarters of the Second DCA from Lakeland to Tampa.²¹ See Exhibit 3 for previous court studies and legislative bills.

²¹ The bill proposed modifying s. [35.05](#), *Florida Statutes*, to permit the court to retain a branch office in Lakeland to store records because it

would have eliminated the requirement that the clerk's office be the headquarters.

Exhibit 3

The Legislature and the Court Have Considered Changes Related to the Structure of the DCAs



Source: OPPAGA analysis of Supreme Court commission reports and Florida legislative history.

Over the last 10 years case filings have slightly declined; DCAs vary in types of cases and methods of disposition

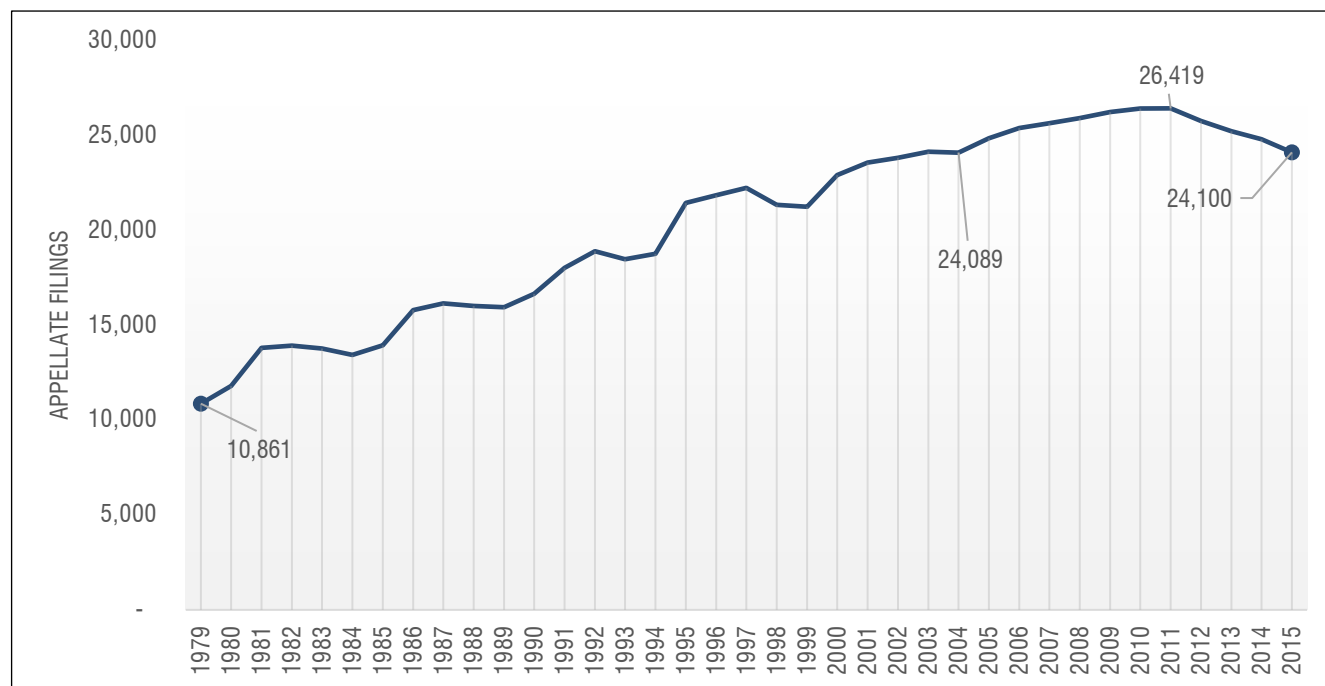
Over the last 35 years, case filings increased, however in recent years, there has been a decline. Since the creation of the Fifth District Court of Appeal in 1979, the annual number of appellate case filings has increased, though this

trend seems to have peaked in 2011 and is declining slightly. As indicated in Exhibit 4, from 1979 to 2011, the overall number of case filings increased from 10,861 to 26,419, an increase of 143%. However, from 2011 to 2015, the number of filings declined to 24,100, a level comparable to 2004 case filings. This trend is consistent with a pattern of declining case filings at the circuit court level over the past 10 years.²²

²² A Review of Florida Circuit Courts, [OPPAGA Report No. 15-13](#), December 2015.

Exhibit 4

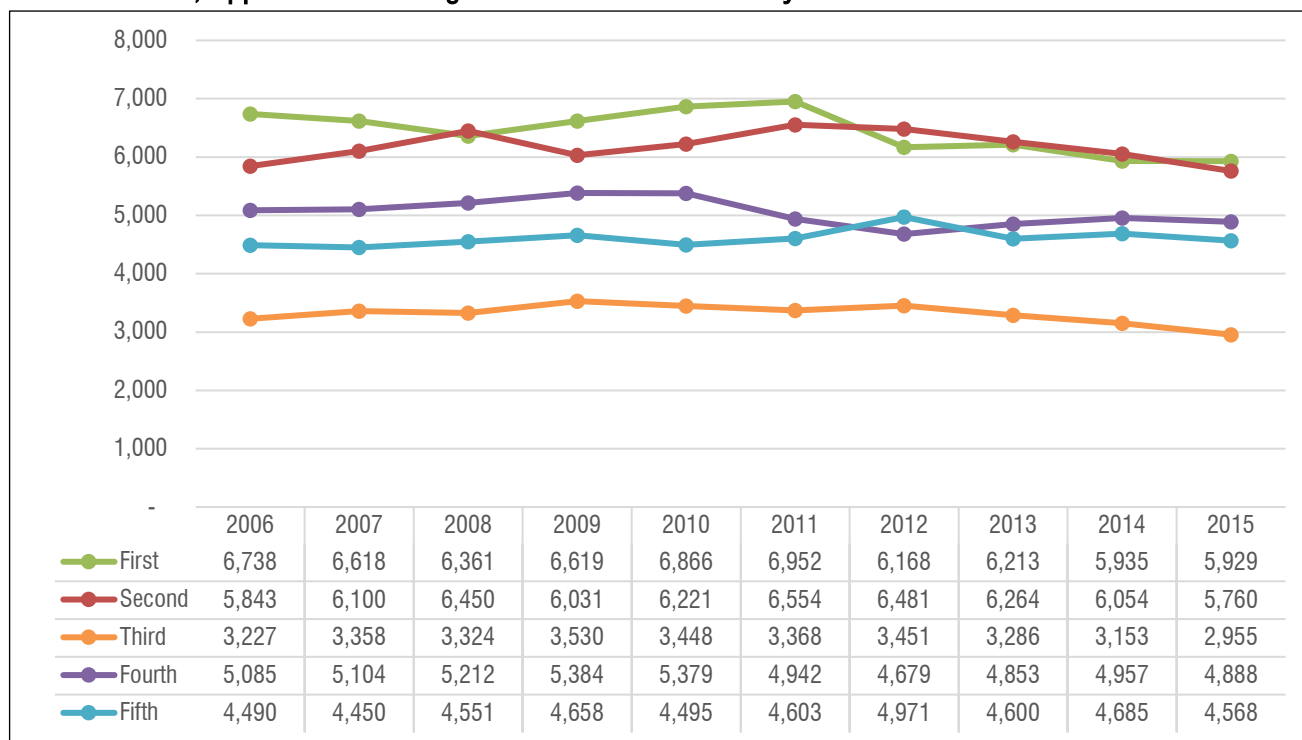
The Number of Appellate Case Filings Peaked in 2011



Source: OPPAGA analysis of data from the Office of the State Courts Administrator and State Library of Florida records.

The number of appellate case filings per DCA varies, as shown in Exhibit 5. However from 2006 to 2015, case filings slightly decreased in four of the five DCAs, whereas there was a slight increase (1.7%) in case filings in the Fifth DCA

from 4,490 to 4,568. The First DCA and Second DCA had the greatest number of filings in recent years, whereas the Third DCA had the fewest number of filings.

Exhibit 5**Within Districts, Appellate Case Filings Have Remained Relatively Constant Over the Past 10 Years**

Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

Over the past 10 years, appellate case filings have decreased slightly, but not for all categories of cases. The types of cases filed in the DCAs have changed over the last decade. As shown in Exhibit 6, there has been a significant decline in the number of criminal filings (-11%) and criminal post-conviction case filings (-20%), whereas the number of civil appeals (24%) and family law cases (28%) filed with the DCAs has significantly increased. Statewide, appellate case filings decreased 5% from 2006 to 2015. Appendix B provides a line graph and summary statistics of annual case filings by categories.

Exhibit 6**Total Appellate Case Filings Declined From 2006 to 2015, but Some Case Categories Increased**

Case Filings	2006	2015	Percent Change
Family	1,106	1,416	28%
Civil	5,329	6,626	24%
Probate/Guardianship	199	222	12%
Criminal	9,830	8,744	-11%
Administrative	1,260	1,113	-12%
Criminal Post-Conviction	5,921	4,718	-20%
Juvenile	1,302	1,024	-21%
Workers' Comp	436	235	-46%
Total	25,383	24,098¹	-5%

¹ The 2015 total does not include two cases which were missing case category information.

Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

The composition of case filings varies among the district courts of appeal. For example, all workers' compensation appeals in the state are under the jurisdiction of the First DCA.²³ Additionally, many state agencies are headquartered in the first district; thus, the court also handles a higher volume of administrative appeals compared to other courts.

Criminal and criminal post-conviction appeals together are the most common case type in all DCAs.²⁴ The Third DCA has a higher percentage of civil appeals relative to other courts (41%). Ten year trends in the composition of case filings for each district are presented in the district court profiles in Appendix E.

Exhibit 7 Composition of 2015 Case Filing Categories Varied by District Court of Appeal

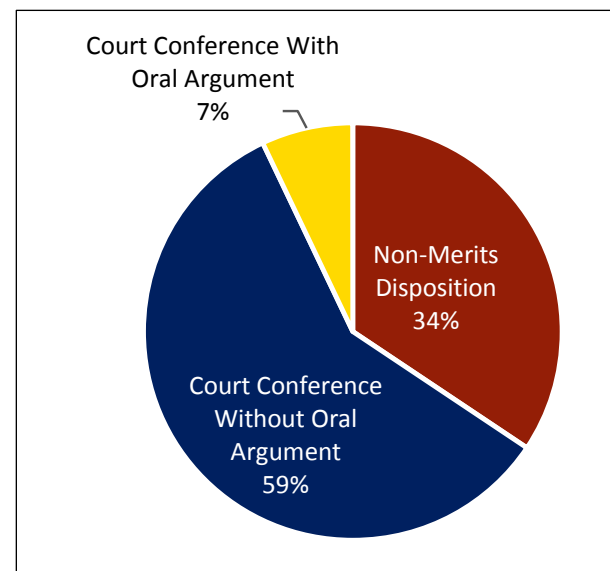
	1st DCA	2nd DCA	3rd DCA	4th DCA	5th DCA
Criminal	40%	37%	24%	33%	42%
Criminal Post-Conviction	17%	24%	19%	15%	23%
Civil	20%	26%	41%	35%	22%
Family	4%	4%	7%	8%	7%
Juvenile	3%	6%	5%	5%	3%
Administrative	12%	2%	3%	2%	2%
Probate/Guardianship	0%	1%	2%	2%	1%
Workers' Comp	4%	N/A	N/A	N/A	N/A
Total	100%	100%	100%	100%	100%

Source: OPPAGA analysis of 2015 data from the Office of the State Courts Administrator.

The DCAs may resolve or dispose of cases in a number of ways. Cases may be administratively disposed by transfer, voluntary dismissal, or adverse dismissal. These cases are referred to by the courts as non-merits dispositions. In other cases, the court may or may not grant in-person oral argument. The court's decision may be in the

form of a written opinion or may be a short statement that the court is affirming the trial court's decision, known as per curiam affirmed or PCA. In 2015, PCAs occurred in 42% of all dispositions. Exhibit 8 presents disposition type for cases disposed in 2015.²⁵ Of the 24,312 cases disposed in 2015, 7% were disposed with oral argument and 59% were disposed by court conference without oral argument.

Exhibit 8 Roughly One-Third of All Appellate Filings Were Non-Merits Dispositions in 2015



Source: OPPAGA analysis of 2015 data from the Office of the State Courts Administrator.

Dispositions varied across the district courts (See Exhibit 9.) In 2015, the Third DCA had the highest proportion of cases disposed of via oral argument (17%). Judges in the Third DCA said past practice was to grant oral argument to any party that requested it.

²³ [Section 440.271, F.S.](#)

²⁴ Post-conviction cases are motions related to Rule 3.850 pertaining to vacating, setting aside, or correcting a sentence; Rule 3.800 pertaining to the correction of an illegal sentence; Rule 3.853 pertaining to DNA testing, or Rule 3.801 pertaining to

a correction of jail credit in Florida as defined in [Florida Rules of Criminal Procedure](#).

²⁵ The distribution of categories of disposition for each DCA are presented in the district court profiles in Appendix E.

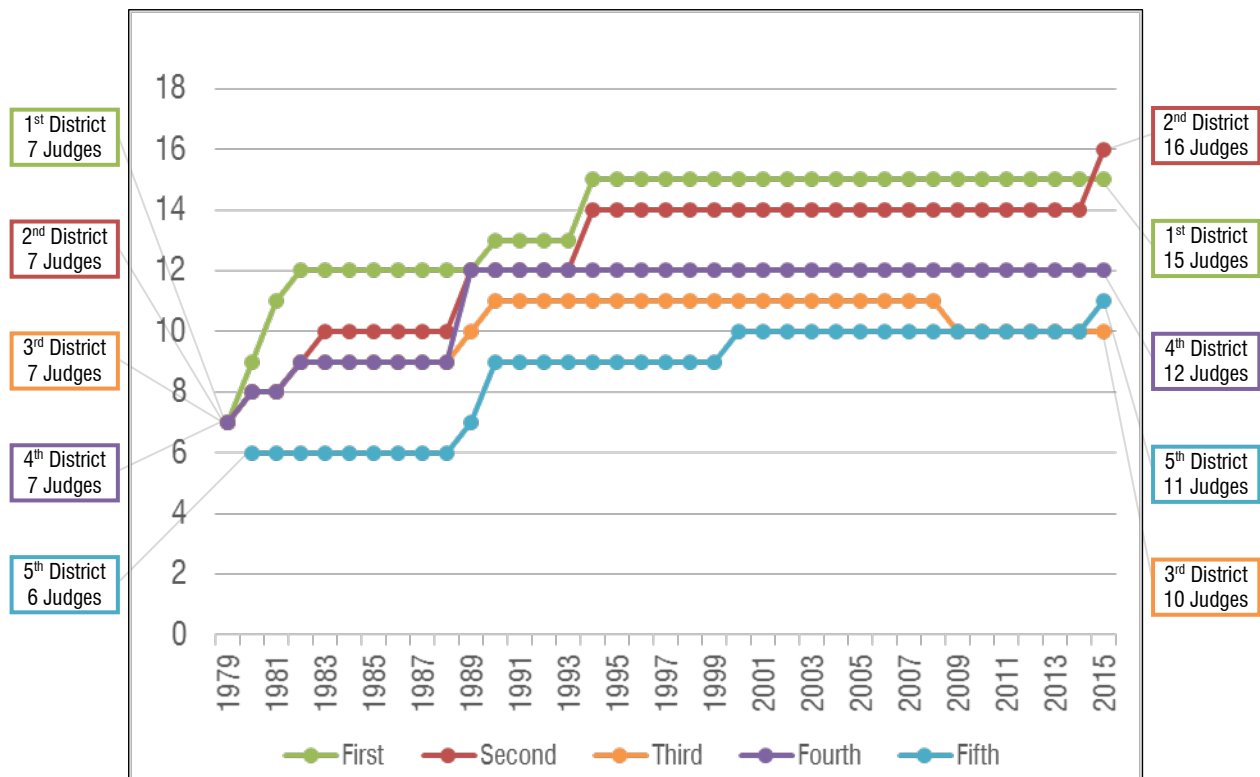
Exhibit 9**The Third DCA Had Double the Rate of Oral Argument Compared to Other Courts (2015)**

DCA	Non-Merits Disposition	Court Conference	Oral Argument	Total
First	36%	61%	4%	100%
Second	44%	48%	8%	100%
Third	26%	57%	17%	100%
Fourth	38%	57%	5%	100%
Fifth	22%	72%	7%	100%
Total	34%	59%	7%	100%

Source: OPPAGA analysis of 2015 data from the Office of the State Courts Administrator.

Courts request additional judges to respond to workload demands

Over the last 40 years, the number of appellate judges increased as case filings grew. In 1975, Florida had four district courts with a total of 20 appellate judgeships (five judges per court). In 2016, Florida has 64 appellate judgeships spread across the five DCAs. The growth in the number of appellate court judgeships in Florida has been largely a response to an increase in appellate case filings. Florida has a high number of filings relative to comparable states with geographical appellate court boundaries (See Appendix A.) Because the number and rate of case filings has not been uniform across DCAs, the number of judges within each DCA varies from 10 judges in the Third District to 16 judges in the Second District.

Exhibit 10**Number of Judges per Appellate District 1979-2015**

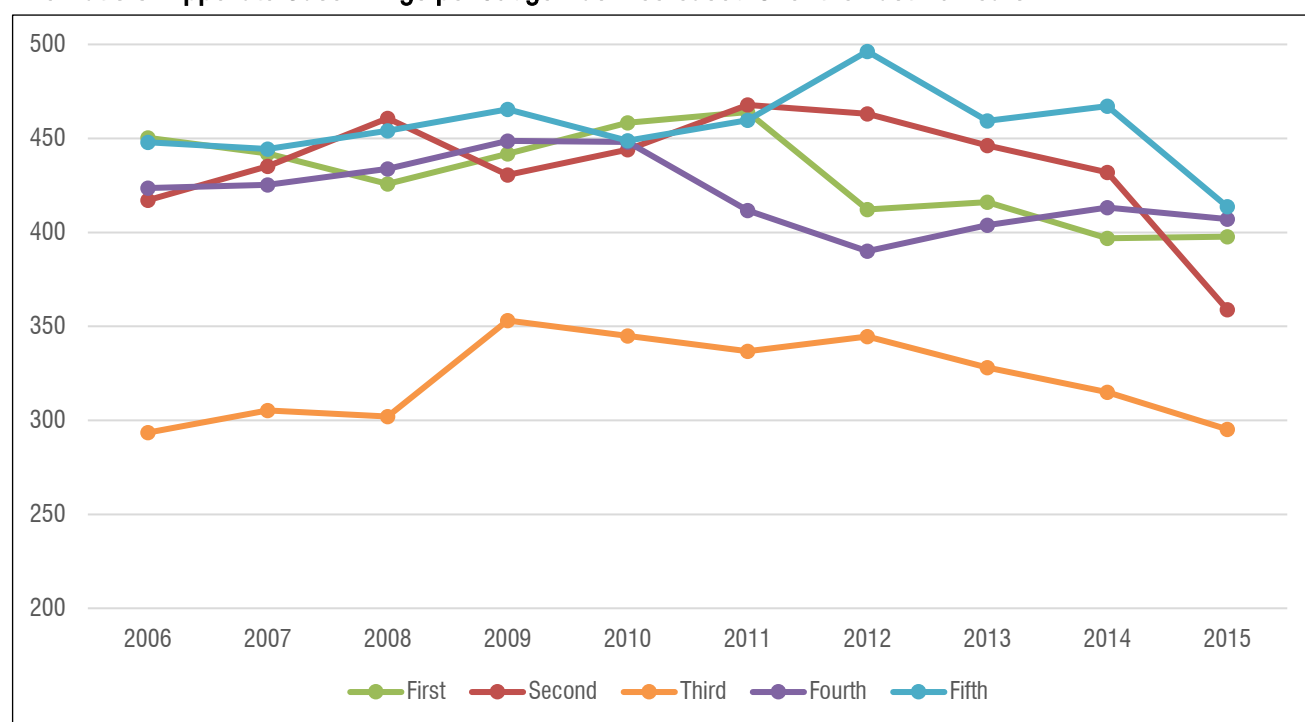
Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

As shown in Exhibit 10, for a 20-year period from 1994 to 2013, the number of appellate judgeships stayed relatively constant with one judgeship added in the Fifth DCA in 1999 and one judgeship removed from the Third DCA in 2008. In 2014, there was an increase in the number of appellate judgeships, with one judgeship being added in the Fifth DCA and two added in the Second DCA.

Over the past 10 years, variation across the district courts in both the number of judges and the number of appellate filings has resulted in an annual ratio of filings per judge varying between 293 filings per judge to 496 filings per judge. As shown in Exhibit 11, in 2015, the Fifth DCA had the highest ratio of filings per judge (414) whereas the Third DCA had the lowest filings per judge ratio (295).

Exhibit 11

The Ratio of Appellate Case Filings per Judge Has Decreased Over the Last 10 Years



Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

The court uses a weighted caseload approach for determining the need for additional appellate judges. The procedure for increasing the number of appellate judges is similar to the process for changing or redefining judicial districts, whereby the court must establish uniform criteria for determining need and certify this need to the Legislature.²⁶ The Legislature has the authority to increase or decrease the number of district judgeships.²⁷

In 2004, the Supreme Court directed the Commission on District Court of Appeal Performance and Accountability to revise the process and criteria for determining the basis for certifying the need for additional appellate judges.²⁸ The prior method for determining the need for additional judges was largely based on a set standard of 250 case filings per judge.²⁹ From the commission's recommendations, the Supreme Court adopted quantitative criteria for determining judicial need that included trends in case filings; trends in changes in case mix; trends in the backlog of cases ready for assignment and disposition; trends in the relative weight of cases disposed on the merits per judge; and changes in statutes, rules of court, and case law that directly or indirectly effect judicial workload.

One provision of the workload criteria, weighted caseload per judge assigned unique values to different categories of cases and established threshold values of weighted cases per judge, similar to the prior filings per judge approach to assessing judicial workload. For example, under the weighted caseload approach, a disposed administrative unemployment compensation case is given a case-weight of roughly half (51) of the judges' workload relative to a criminal case (100). In 2005, the Supreme Court established a weighted threshold of 280 disposed cases per judge. By rule, the court presumes that there is a need for

an additional appellate judgeship in any district where the relative weight of the cases disposed per judge exceeds 280 and the chief judge of the district requests an additional judge.³⁰

In 2015, the Supreme Court adjusted the weighted caseload approach by recalculating the case weights. Using information obtained from a survey of judges on their assessment of workload per case type, the court raised the weighted threshold from 280 disposed cases per judge to 315 disposed cases per judge, which is the current threshold. See Appendix C for survey methodology and current information on case weights.

Exhibit 12

Weighted Disposed Cases per Judge by DCA for Fiscal Years 2013-14 to 2015-16

DCA	Number of Judges	2013-14	2014-15	2015-16
First	15	299	300	281
Second	16	310	289	295
Third	10	264	269	248
Fourth	12	284	313	372
Fifth	11	300	325	326

Note: Cases per judge calculated using 2015 case weights. Number of judges include the three additional judgeships added in 2014.
Source: Office of the State Courts Administrator.

Exhibit 12 presents the weighted disposed cases per judge for the past three years. The Supreme Court uses a three-year weighted average, as well as other factors established in rule, to determine judicial need. In Fiscal Year 2015-16, both the Fourth and Fifth DCAs exceeded the weighted threshold of 315 disposed cases per judge.

In its opinion certifying need for additional judgeships prior to the 2017 legislative session, the Supreme Court did not request or certify the need for additional appellate judgeships.³¹ Moreover, in its opinion the court found that the

²⁶ Rule 2.240, *Florida Rules of Judicial Administration*.

²⁷ Article V, Section 9 of *The Constitution of the State of Florida*.

²⁸ In Re: Commission on District Court of Appeal Performance and Accountability, Fla. Admin. Order No. AOSC04-21 (Sept. 22, 2004).

²⁹ Amended to 350 case filings per judge in 2004.

³⁰ Rule 2.240 (b)(2)(B), *Florida Rules of Judicial Administration*.

³¹ In Re: Certification of Need For Additional Judges. No. SC16-2127 (Fla. Dec. 15, 2016).

Third District Court of Appeal may be overstaffed by one judge. If the Third DCA were to maintain its current caseload and reduce the number of judges from 10 to 9, the court would still be under the current weighted threshold of 315 disposed cases per judge. The Supreme Court noted in the same opinion that the Third DCA currently has a different staffing structure relative to other district courts because they do not have a central staff unit. Thus, the Third DCA employs fewer staff attorneys.

comparable to both the proportion of appellate filings and the population. For example, the Third DCA has the fewest judges, the fewest filings, and the smallest population. An exception to this general relationship between the number of judges, filings, and population is that the First DCA hears all workers' compensation cases for the state and most administrative cases involving state agencies.

Options

One option is maintaining current geographical boundaries and changing the number of judges as workload requires

Since 1979, one of the ways the courts have responded to growth in workload is by requesting additional judges from the Legislature. As shown in Exhibit 13, this approach has resulted in the proportion of judgeships in each district being

Exhibit 13
Number of Judges, Appellate Case Filings, and Population Estimates per District 2015

DCA	Judges		Cases Filed		Population Estimate	
	Number	Percentage	Number	Percentage	Number	Percentage
First	15	23%	5,929	25%	3,181,305	16%
Second	16	25%	5,760	24%	5,523,505	28%
Third	10	16%	2,955	12%	2,728,140	14%
Fourth	12	19%	4,888	20%	3,826,973	19%
Fifth	11	17%	4,568	19%	4,555,260	23%
Total	64	100%	24,100	100%	19,815,183	100%

Source: OPPAGA analysis of data from the Office of the State Courts Administrator and Office of Economic and Demographic Research.

An advantage to maintaining the existing boundaries is avoiding disruption. For example, each of the DCAs has established a body of case law that is specific to that district. Changes in boundaries or additional DCAs would require determination of which body of case law will be followed in the new structure. Another advantage is avoiding potential infrastructure costs, such as the cost of building a new courthouse.³²

A potential disadvantage to maintaining current boundaries and adding judges is the court becoming too large.³³ During our field visits to all five DCAs, judges expressed that a larger court size could decrease collegiality. Collegiality is important because the appellate process is predicated on judges reaching consensus and collaborating in their work, such as writing collective opinions. As such, small courts may have an advantage over larger courts in terms of developing collegiality because judges would be more familiar with one another by sitting on panels together relatively frequently.³⁴

Several other options are also available to address distribution of workload

The Legislature could also consider modifying the boundaries of the current districts, adding a new district, and making greater use of the flexibility offered by technology to address the workload of the district courts of appeal.

The Legislature could consider modifying the boundaries of the Second and Third DCAs by reassigning the 20th Circuit. The 20th Circuit includes Charlotte, Collier, Glades, Hendry, and Lee counties. This option was previously considered in 2006 by the District Court of

Appeal Workload and Jurisdiction Assessment Committee to address the distribution of workload across the DCAs.³⁵ The committee ultimately determined this change was unnecessary at the time. However, differences in the number of case filings and weighted caseload between the Second and Third DCAs persist. For example, in Fiscal Year 2015-16, the weighted disposed cases per judge in the Second DCA was 295 and 248 in the Third DCA. Furthermore, the Supreme Court indicated in its 2016 Certification of Need for Additional Judges that the Third DCA is currently overstaffed by one judge.

As shown in the map and table in Appendix D, the Second DCA has 23.9% of all appellate filings in the state, whereas the Third DCA has 12.3%. The 20th Circuit generated 4.1% of all appellate filings. Thus, if the 20th Circuit was moved from the Second DCA it would have 19.8% of all appellate filings and the Third DCA would have 16.4%, reducing the current disparities in case filings between the Second and Third DCAs.

The Legislature could consider an additional DCA to account for changes in workload. From 1979, when the Fifth DCA was created, to 2015, the appellate cases roughly doubled from 10,861 filings to 24,100 filings. Additionally, projections indicate that there will be continued population growth in the central and southwestern part of the state (See Exhibit 14.) In the future, the Legislature may wish to increase the number of DCAs to respond to increased filings.

While there are no direct predictors of future growth in filings, population forecasts may provide a proxy measure of need. It is difficult

³² Recent costs for new appellate courthouses provide some context for potential infrastructure costs. In 2010, the cost to build a new courthouse for the First DCA was \$49 million. A new courthouse for the Fourth DCA is currently under construction and projected cost to the state is \$24 million. In addition, a January 2017 report contracted by the Department of Management Services estimated the cost of a new courthouse in the Second DCA at \$33 million.

³³ Florida district courts of appeal have ranged from 3 judges per court at the founding of the courts to 16 judges, the current size of the Second DCA.

³⁴ In its 2004 examination of court size and performance, the Commission on District Court of Appeal Performance and Accountability found that the number of judges does not affect the efficiency of the court. This was largely based on interviews with chief judges of large courts in other states. However, input from Florida judges in the commission report indicated that most judges thought the maximum number of appellate judges on a court should be 15 or fewer and the optimal number should be 12 or fewer.

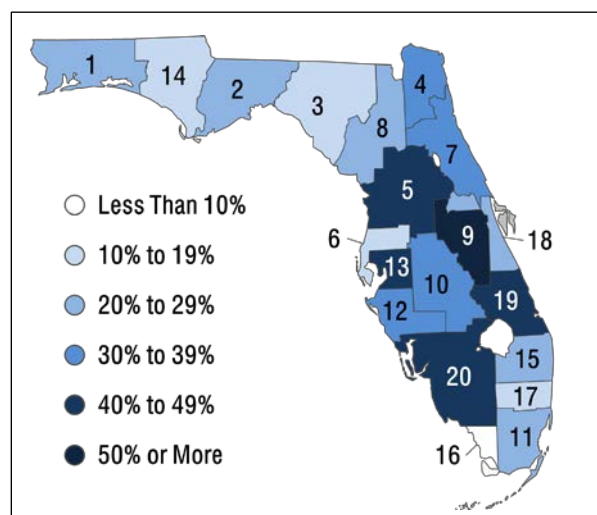
³⁵ This was prior to the use of weighted cases when greater disparities in workload existed between DCAs.

to forecast with a high degree of predictive accuracy future changes in the number of appellate filings statewide. Changes in crime rates, economic conditions, incarceration rates, rules of procedure, and statutes can significantly effect the number of appellate filings. However, county level population forecasts can provide some insight into circuit level variations in projected population growth and these trends are loosely correlated with a growth in case filings.

As shown in Exhibit 14, areas with the highest rate of projected growth are in the central and southwestern part of the state.

- In the Fifth DCA: the 5th Circuit (Citrus, Hernando, Lake, Marion, and Sumter counties), 7th Circuit (Flagler, Putnam, St. Johns, and Volusia counties) and 9th Circuit (Orange and Osceola counties), which had the largest projected growth.
- In the Second DCA: the 10th Circuit (Hardee, Highlands, and Polk counties) and 13th Circuit (Hillsborough County).
- In the Fourth DCA: the 19th Circuit (Indian River, Martin, Okeechobee, and St. Lucie counties).
- The 16th Circuit (Monroe County) had the smallest forecasted growth rate over than next 25 years.

Exhibit 14 Predicted Population Growth From 2015 to 2040 is Greatest in Central and Southwestern Florida



Source: OPPAGA analysis of data from the Office of Economic and Demographic Research 2015 county population estimates.

The Legislature could consider decentralizing judicial chambers and staffing models before creating an additional DCA. The nature of appellate court work has become less site-specific with the advent of digital file-sharing and case management technologies. Many of the judges we interviewed reported living a long distance from their chambers and successfully working remotely for at least some portion of time. This decentralizing judicial chambers, is also known as chambers dispersion. For example, in the Fifth District, judges living in the Orlando area often work away from their chambers in Daytona. Several of these judges work from the Orange County courthouse.

In 2006, the District Court of Appeal Workload and Jurisdiction Assessment Committee report suggested that allowing appellate judges to work close to where they live might improve the geographic diversity of the applicant pool for judicial positions.³⁶ Currently, judges who reside far from the DCA's headquarters may be hesitant to apply for a judgeship that would require relocating. At the federal level

³⁶ [The Supreme Court's District Court of Appeal Workload and](#)

[Jurisdiction Assessment Committee Final Report](#), November 2006.

appellate judges are allowed to work in locations in or near their hometowns. Among federal judges, chambers dispersion has become less of an impediment to collegiality and court performance due to the advances of communication and document management technology, particularly the use of email and the internet. Research on federal appellate judges, has referred to the development of a “cybercollegiality” among judges, whereby judges can overcome problems of geographical distance by means of instant communication and email.³⁷

The 2006 Workload and Jurisdiction Assessment Committee report noted “[t]he concept of chambers dispersion deserves serious consideration and it may become more feasible as technology advances.” Currently, all of the district courts are using one of two e-filing and case management systems. The Second DCA is using the eFACTS system and the other courts are using iDCA/eDCA. Both systems allow judges to access, manage, and generate court records electronically as well as track tasks and correspondence. Using these systems has allowed judges to work remotely, away from the headquarters of the court. As such, advances in electronic filing, digital file-sharing, and case-management technologies may warrant a reexamination of the central courthouse model for the location of district judges’ chambers.

Finally, if the Legislature determines that changes to DCA boundaries are necessary, judges could be affected due to residency requirements. Changes to boundaries will have ramifications for who can serve as a judge on a DCA or a justice on the Supreme Court. To be eligible for the office of judge or justice of any court in Florida, the person must reside in the territorial jurisdiction of the court.³⁸ Thus, any change to the geographical boundaries of the DCA would have an impact on the eligibility of existing judges to serve if they reside outside of a redrawn district.

In addition, *The Constitution of the State of Florida* requires that each appellate district shall have at least one Supreme Court justice who is a resident of the district at the time of the original appointment or election to the Supreme Court. Therefore, the geographical boundaries of the district courts may impact the eligibility of an individual to be elected or appointed to the Supreme Court.

Agency Response —

In accordance with the provisions of s. 11.51(2), *Florida Statutes*, a draft of our report was submitted to the Office of the State Courts Administrator and their written response has been reproduced in Appendix F.

³⁷ Cohen, Jonathan M., 2009. Inside Appellate Courts: The Impact of Court Organization on Judicial Decision Making in the United

States Courts of Appeals. University of Michigan Press.

³⁸ Article V, Section 10, *The Constitution of the State of Florida*.

Appendix A

Some Other States' Appellate Courts Have Similar Structure to Florida, but Have Fewer Cases

The structure of appellate courts varies by state. Most states have one intermediate appellate court with statewide jurisdiction. However, there are several states that have more than one intermediate court of appeal based on geographical or case type jurisdiction. There are nine other states that have an appellate court structure organized by geographical boundaries comparable to Florida's geographical boundaries. The number of judges in states with geographical appellate court boundaries range from a total of 16 in Wisconsin to 105 in California. Compared to other states with geographical boundaries, Florida has the highest number of filings and dispositions, but has fewer total judges than California, Texas, and Ohio.

Exhibit A-1

Other States With Geographical Appellate Court Boundaries

State Appellate Court	Total Number of Judges	Number of Geographical Districts	Total Incoming Caseload	Total Dispositions
Arizona Court of Appeals	22	2	3,594	3,418
California Courts of Appeal	105	6	22,994	22,084
Florida District Courts of Appeal	64	5	24,100	24,312
Illinois Appellate Court	54	5	8,015	7,816
Louisiana Courts of Appeal	53	5	6,101	5,874
Missouri Court of Appeals	32	3	3,127	2,970
Ohio Courts of Appeals	69	12	9,060	9,042
Texas Courts of Appeals	80	14	10,638	11,189
Washington Court of Appeals	22	3	3,595	3,657
Wisconsin Court of Appeals	16	4	2,805	2,806

Note: All case filings and dispositions for Arizona, California, Florida, Texas, and Washington are for Fiscal Year 2015, all case filings and dispositions for Louisiana, Missouri, Ohio, and Wisconsin are for Calendar Year 2015, case filings and dispositions for Illinois do not specify calendar year or fiscal year. New York and Tennessee have geographical divisions within their intermediate appellate court system but the state court systems are not comparable to Florida's and we did not include them in our analysis.

Sources: OPPAGA review of public websites from other states, interview and email responses from other states, and information from the National Center for State Courts. National Center for State Courts' Court Statistics Project (Louisiana, Missouri, Ohio, and Wisconsin). State websites (Arizona, California, Illinois, Texas, and Washington). Florida filings and dispositions are from OPPAGA analysis of data from the Office of the State Courts Administrator.

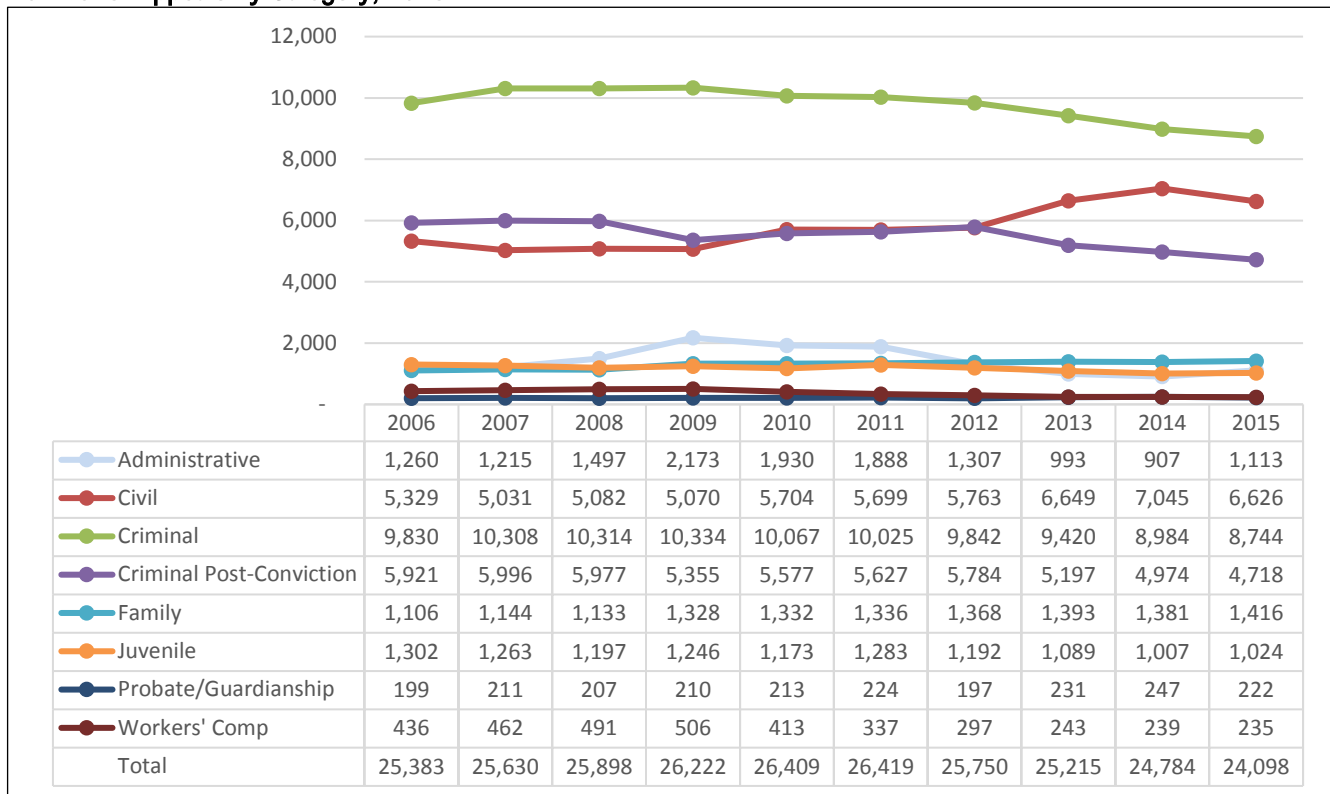
Appendix B

Appellate Case Filings Declined 5% From 2006 to 2015, but Some Case Types Have Increased

Over the past 10 years, the total number of appellate case filings has decreased 5%, from 25,383 cases in 2006 to 24,098 in 2015. Most of the declines have occurred in criminal and post-conviction filings. The number of civil case filings has increased over the past decade.

Exhibit B-1

Number of Appeals by Category, 2015



Note: Three cases from 2006 to 2015 were missing case category information and were excluded from this analysis.

Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

Appendix C

Case Weights Assign a Numeric Value or Weight to Categories of Cases and Are Used by the Supreme Court in Determining the Need for Additional Judges

Case weights are calculated based on judges' responses to a survey of estimated time to complete different categories of cases. The numeric value or case weight for each type of case reflects the judicial workload required to complete such a case. Case weights are normed on criminal judgment and sentence cases without oral arguments. Criminal judgment and sentence cases are assigned a value of 100 and all other case types must be weighted in comparison to criminal judgment and sentence cases. Cases that would take twice the judicial work are given a weight of 200, whereas cases that would only take half the required workload are given a value of 50. A survey of district court judges was used to calculate the value of each case weight. Annually, the Office of the State Courts Administrator applies these case weights for disposed cases in each of the district courts and calculates a weighted case per judge statistic for each court. The Supreme Court uses a three-year weighted average, as well as other factors established in rule, to determine judicial need. The Supreme Court presumes that there is a need for an additional appellate judgeship in any district where the relative weight of the cases disposed per judge exceeds the weighted case disposition threshold (315).³⁹

Exhibit C-1

Cases Weights Are Normed on Criminal Judgement and Sentence Appeals With a Value of 100

Case Type Group	Current Relative Case Weights
Civil Final (includes foreclosure, adoption, child, probate, guardianship, other)	177
Civil Non Final (includes foreclosure, adoption, child, probate, guardianship, other)	134
Petitions – Certiorari (includes administrative, civil, criminal, family, guardianship, juvenile, probate, workers' compensation) ¹	133
Administrative Other	122
Workers' Compensation	118
Juvenile (includes delinquency, dependency, termination of parental rights, other)	109
Criminal State Appeals	105
Criminal Judgment and Sentence	100
Petitions – All Other Petitions	99
Criminal Post-Conviction Nonsummary (includes Rules of Criminal Procedure 3.800, 3.801, 3.850, and 3.853)	84
Criminal Habeas Corpus and Other	70
Prisoner Litigation	67
Criminal Post-Conviction Summary (includes Rules of Criminal Procedure 3.800, 3.801, 3.850, and 3.853)	64
Administrative (unemployment compensation)	60
Criminal Anders	55

¹ Certiorari is a writ seeking judicial review.

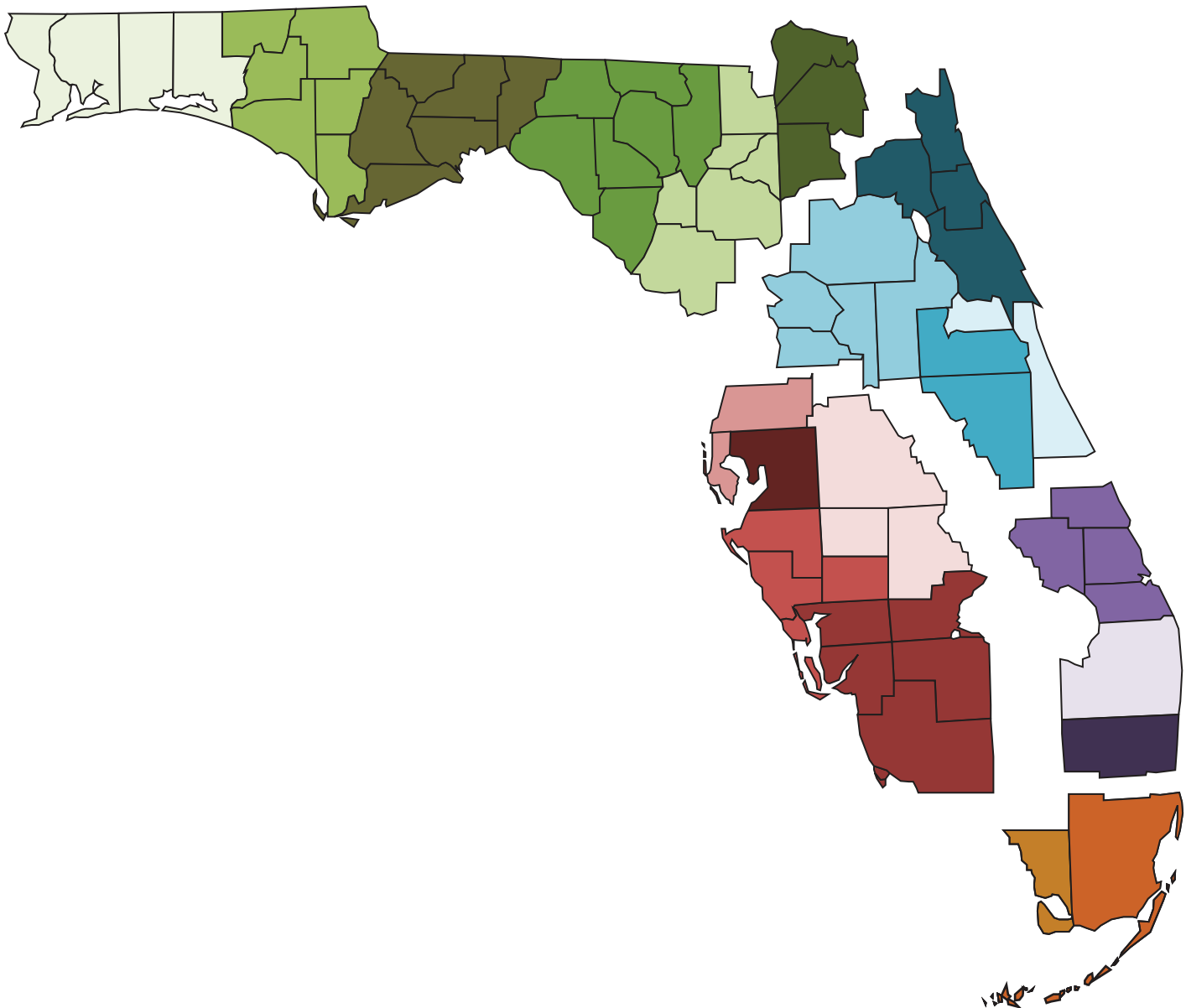
Source: Office of the State Courts Administrator.

³⁹ Rule 2.240 (b)(2)(B), *Florida Rules of Judicial Administration*.

Appendix D

Appellate Filings and Population per Judicial Circuit, 2015

This map interactively represents the information in the table on the next page. In order to view and print the interactive information, open the report in Internet Explorer or download to Adobe Acrobat; then, hover over each circuit to view details.



Note: The projected population information in the table below is not included in the interactive map.
Sources: OPPAGA analysis of data from the Office of the State Courts Administrator and Office of Economic and Demographic Research Data.

Exhibit D-2

Appellate Case Filings, Population, and Projected Population Growth per Judicial Circuit 2015

DCA	Judicial Circuit	Filings	Percent of		Population	Population Growth Forecast 2040
			DCA Filings	State Filings		
First	1 st	1,122	18.9%	4.7%	722,454	21.9%
	2 nd	996	16.8%	4.1%	399,098	20.7%
	3 rd	338	5.7%	1.4%	194,401	17.4%
	4 th	1,595	26.9%	6.6%	1,183,387	30.6%
	8 th	494	8.3%	2.0%	382,425	20.5%
	14 th	406	6.8%	1.7%	299,540	16.4%
	Other/Unknown	978	16.5%	4.1%		
	Total	5,929	100.0%	24.6%		
Second	6 th	1,491	25.9%	6.2%	1,432,559	18.7%
	10 th	929	16.1%	3.9%	761,445	37.0%
	12 th	771	13.4%	3.2%	776,201	30.5%
	13 th	1,558	27.0%	6.5%	1,325,563	44.4%
	20 th	994	17.3%	4.1%	1,227,737	46.9%
	Other/Unknown	17	0.3%	0.1%		
	Total	5,760	100.0%	23.9%		
Third	11 th	2,704	91.5%	11.2%	2,653,934	29.0%
	16 th	164	5.5%	0.7%	74,206	0.4%
	Other/Unknown	87	2.9%	0.4%		
	Total	2,955	100.0%	12.3%		
Fourth	15 th	1,494	30.6%	6.2%	1,378,417	26.1%
	17 th	2,491	51.0%	10.3%	1,827,367	18.1%
	19 th	896	18.3%	3.7%	621,189	39.9%
	Other/Unknown	7	0.1%	0.0%		
	Total	4,888	100.0%	20.3%		
Fifth	5 th	1,021	22.4%	4.2%	1,091,751	48.3%
	7 th	890	19.5%	3.7%	898,169	38.2%
	9 th	1,795	39.3%	7.4%	1,560,723	58.5%
	18 th	861	18.8%	3.6%	1,004,617	22.9%
	Other/Unknown	1	0.0%	0.0%		
	Total	4,568	100.0%	18.9%		
Statewide		24,100	100.0%			32.5%

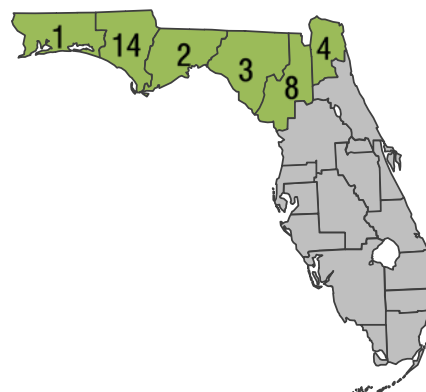
Source: OPPAGA analysis of data from the Office of the State Courts Administrator and Office of Economic and Demographic Research Data.

Appendix E

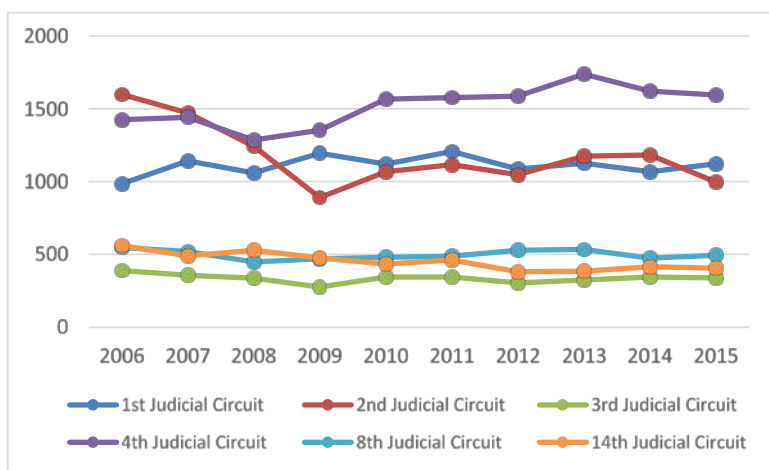
District Courts of Appeal Profiles

First District Court of Appeal

- 6 judicial circuits
 - Most appellate filings come from the 4th Judicial Circuit
- 15 judges
 - In 2015, the average number of filings per judge was 395
- Total filings in 2015 was 5,929
 - The most frequent case type filing in 2015 was criminal (40%).
- Most cases were resolved by a court conference without oral argument

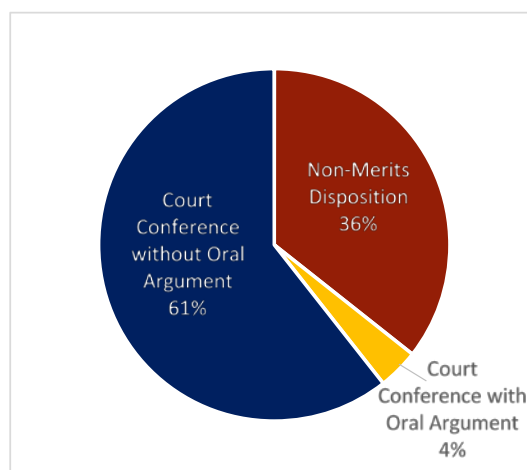


Appellate Filings per Circuit: 2006 Through 2015



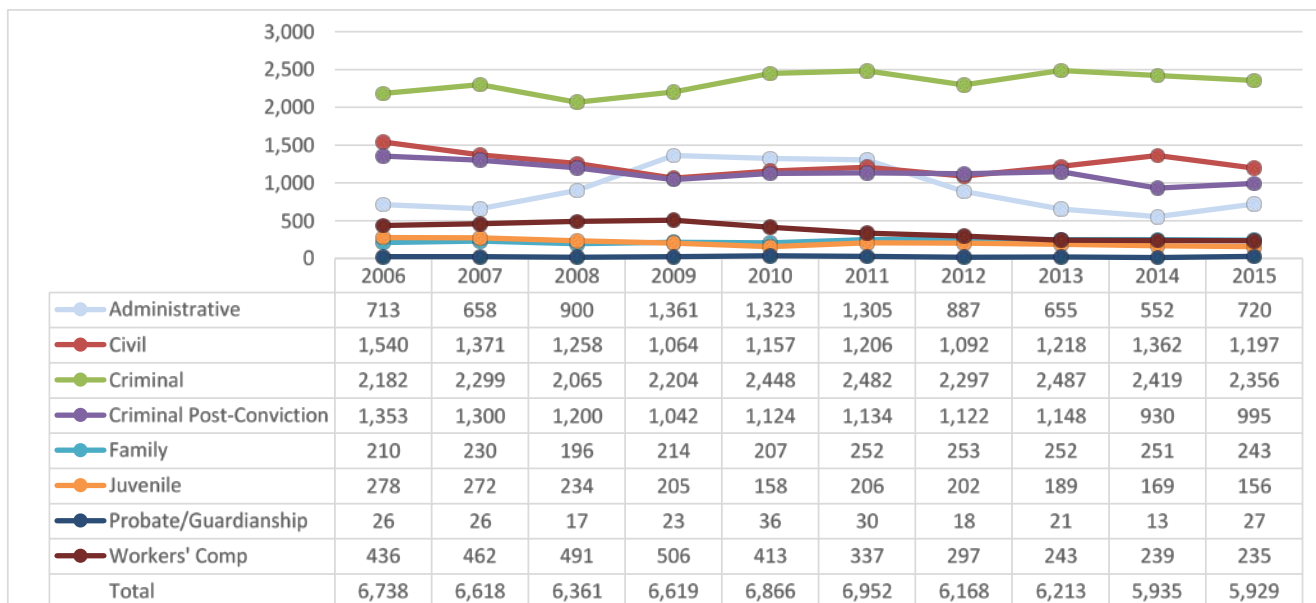
Note: From 2006 through 2015, there were 13,440 total filings in the First DCA with unknown or outside circuits that are excluded from this analysis.

Categories of Appellate Disposition: 2015



Note: Percentages do not add up to 100% due to rounding.

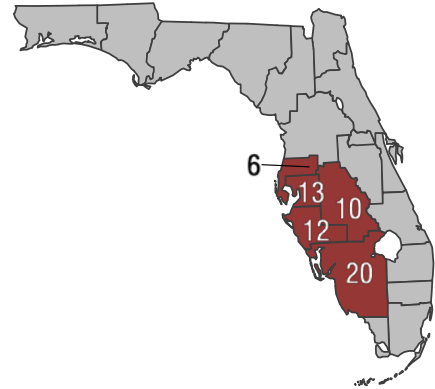
Categories of Appellate Filings: First DCA 2006 Through 2015



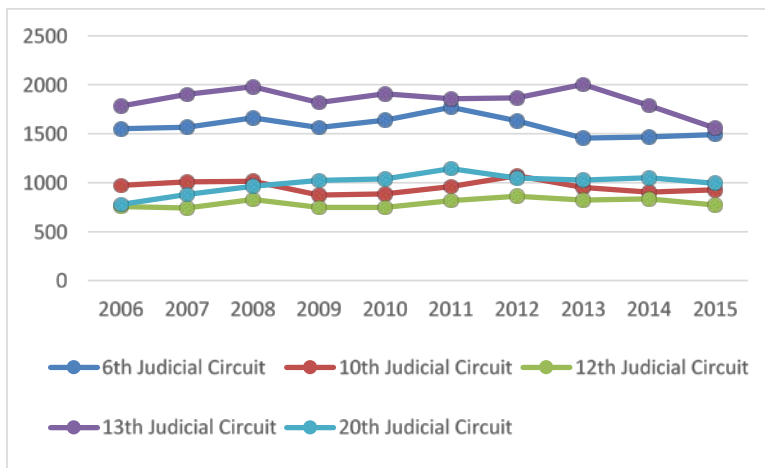
Source: OPPAGA summary of information and data from the Office of the State Courts Administrator for the First DCA.

Second District Court of Appeal

- **5 judicial circuits**
 - Most appellate filings come from the 13th Judicial Circuit
- **16 judges**
 - In 2015, the average number of filings per judge was 360
- **Total filings in 2015 was 5,760**
 - The most frequent case type filing in 2015 was criminal (37%).
- **The largest proportion of cases were resolved by a court conference without oral argument**

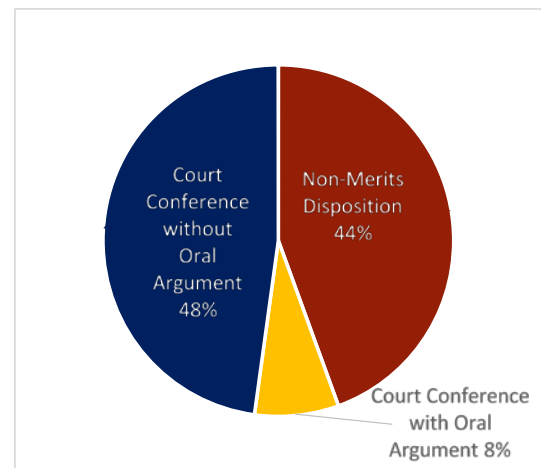


Appellate Filings per Circuit: 2006 Through 2015

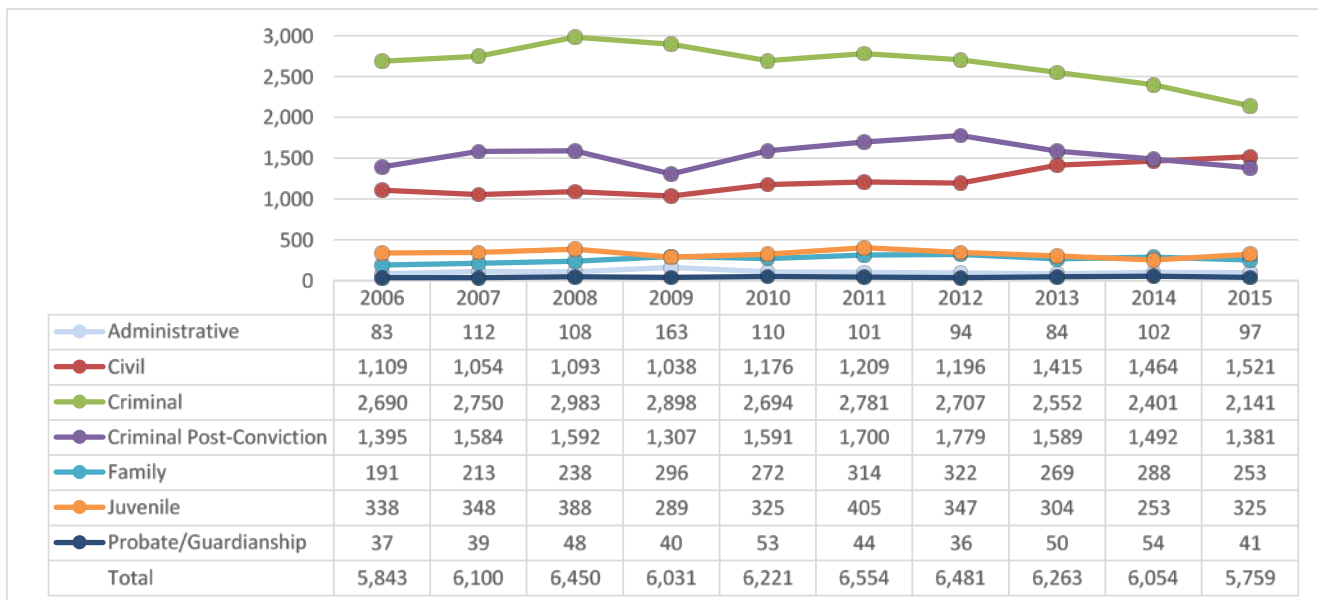


Note: From 2006 through 2015, there were 33 total filings in the Second DCA with unknown or outside circuits that are excluded from this analysis.

Categories of Appellate Disposition: 2015



Categories of Appellate Filings: Second DCA 2006 Through 2015

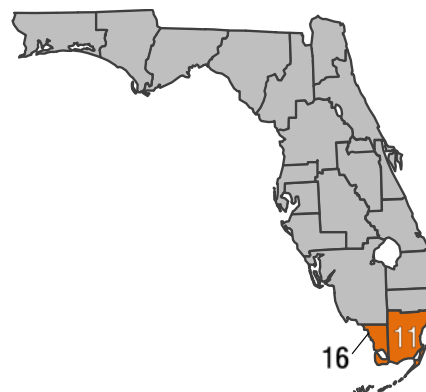


Note: The total filings in 2013 was 6,264 and the totals filings in 2015 was 5,760. One case in 2013 and one case in 2015 were missing case type information, thus are excluded from this exhibit.

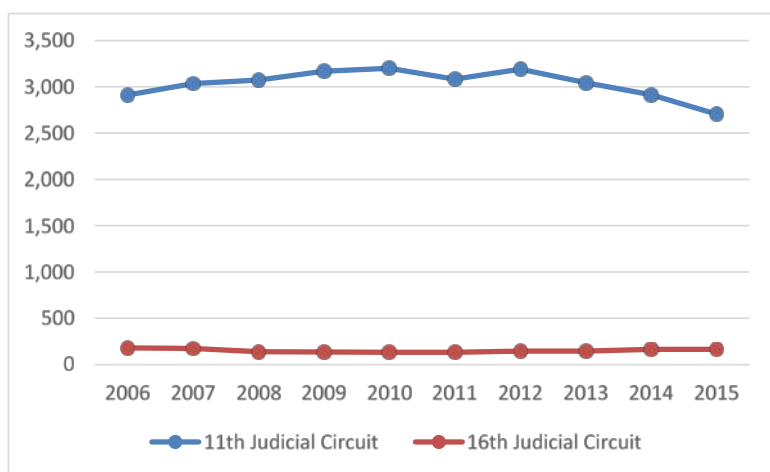
Source: OPPAGA summary of information and data from the Office of the State Courts Administrator for the Second DCA.

Third District Court of Appeal

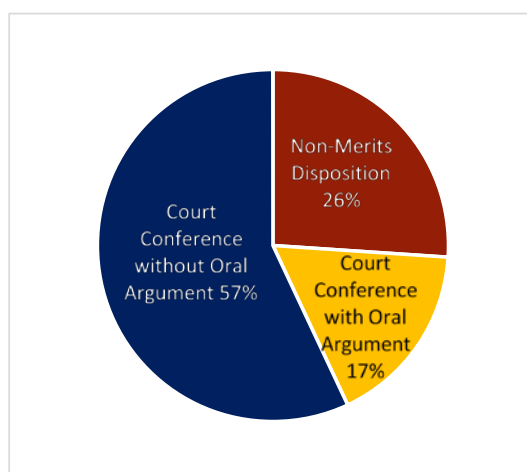
- **2 judicial circuits**
 - Most appellate filings come from the 11th Judicial Circuit
- **10 judges**
 - In 2015, the average number of filings per judge was 296
- **Total filings in 2015 was 2,955**
 - The most frequent case type filing in 2015 was civil (41%).
- **Most cases were resolved by a court conference without oral argument.**



Appellate Filings per Circuit: 2006 Through 2015

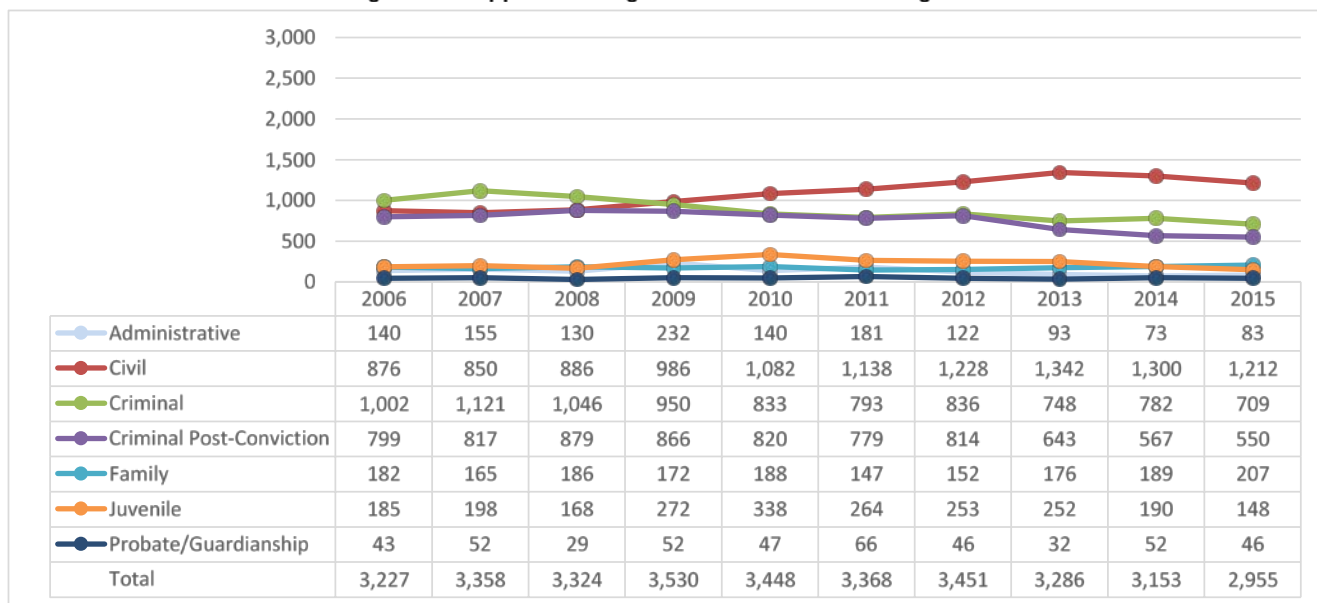


Categories of Appellate Disposition: 2015



Note: From 2006 through 2015, there were 1,262 total filings in the Third DCA with unknown or outside circuits that are excluded from this analysis.

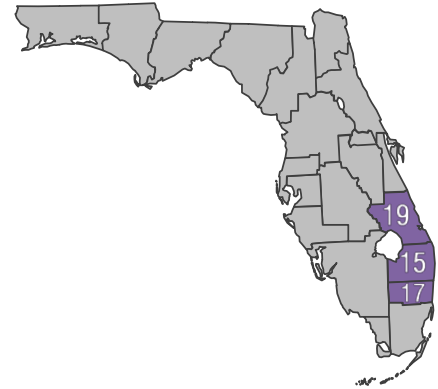
Categories of Appellate Filings: Third DCA 2006 Through 2015



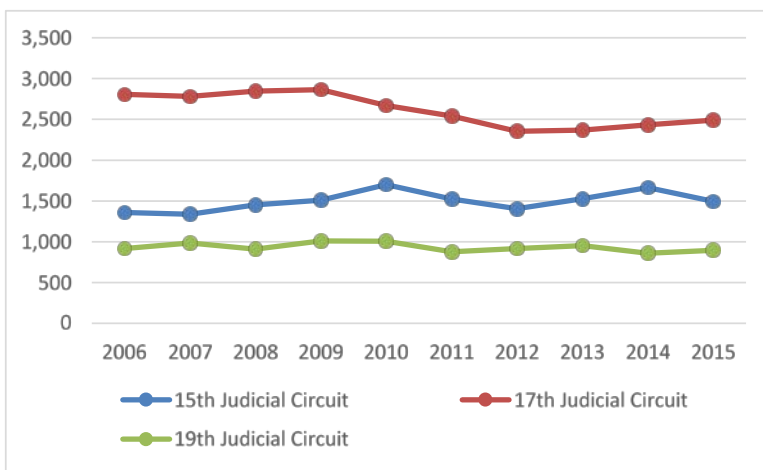
Sources: OPPAGA summary of information and data from the Office of the State Courts Administrator for the Third DCA.

Fourth District Court of Appeal

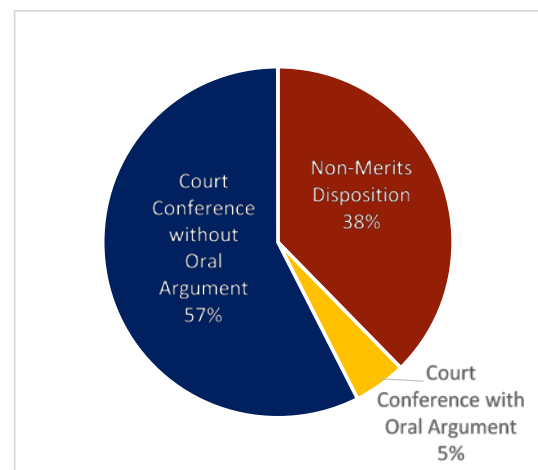
- **3 judicial circuits**
 - Most appellate filings come from the 17th Judicial Circuit
- **12 judges**
 - In 2015, the average number of filings per judge was 407
- **Total filings in 2015 was 4,888**
 - The most frequent case type filing in 2015 was civil (35%).
- **Most cases were resolved by a court conference without oral argument**



Appellate Filings per Circuit: 2006 Through 2015

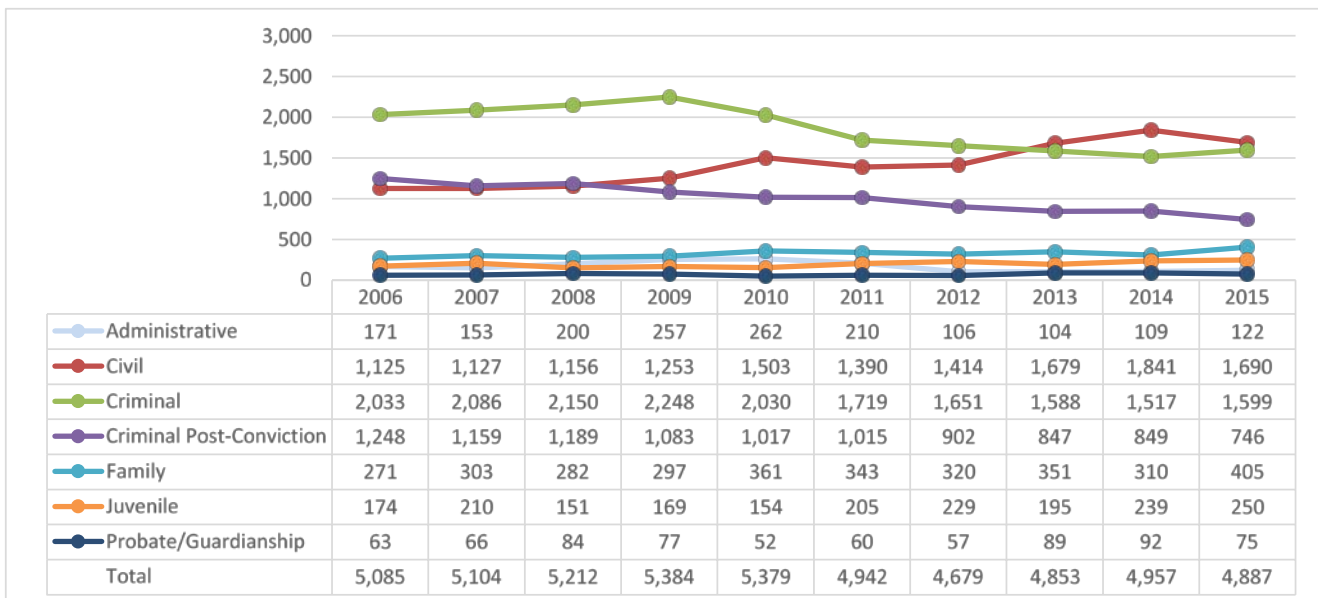


Categories of Appellate Disposition: 2015



Note: From 2006 through 2015, there were 10 total filings in the Fourth DCA with unknown or outside circuits that are excluded from this analysis.

Categories of Appellate Filings: Fourth DCA 2006 Through 2015

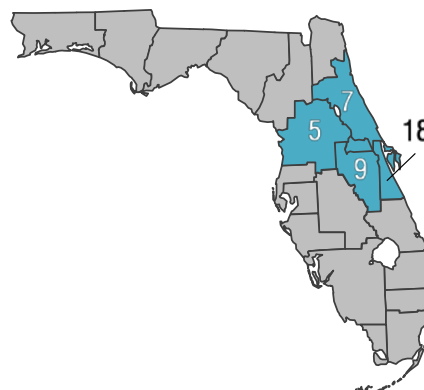


Note: The total filings in 2015 was 4,888. One case in 2015 was missing case type information, thus is excluded from this exhibit.

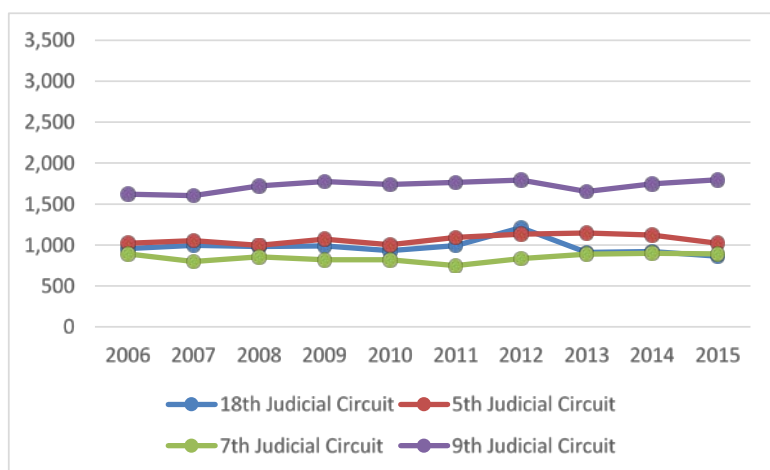
Sources: OPPAGA summary of information and data from the Office of the State Courts Administrator for the Fourth DCA.

Fifth District Court of Appeal

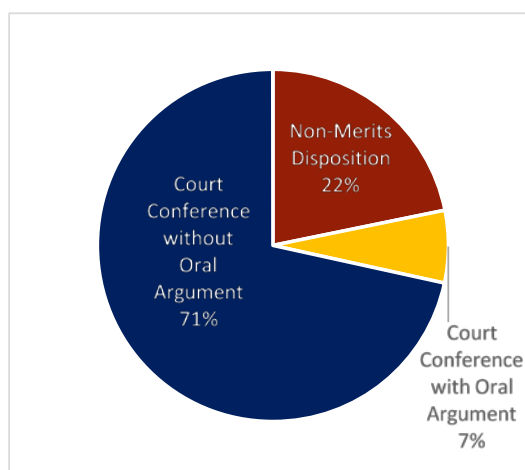
- **4 judicial circuits**
 - Most appellate filings come from the 9th Judicial Circuit
- **11 judges**
 - In 2015, the average number of filings per judge was 415
- **Total filings in 2015 was 4,568**
 - The most frequent case type filing in 2015 was criminal (42%).
- **Most cases were resolved by a court conference without oral argument**



Appellate Filings per Circuit: 2006 Through 2015

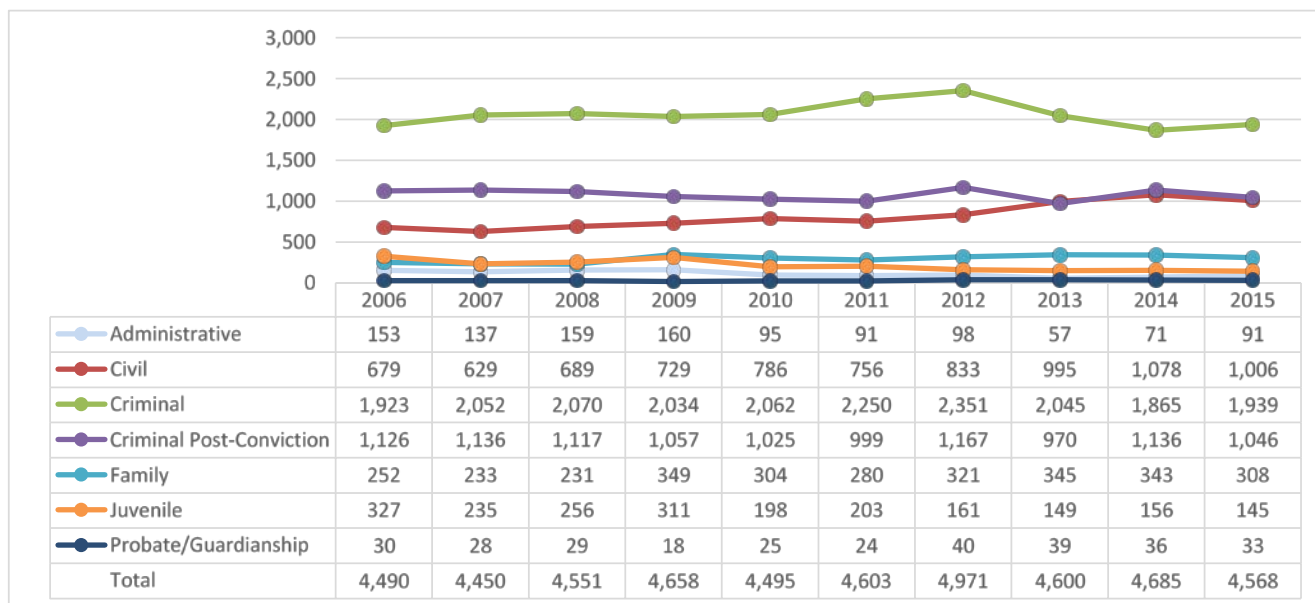


Categories of Appellate Disposition: 2015



Note: From 2006 through 2015, there were 21 total filings in the Fifth DCA with unknown or outside circuits that are excluded from this analysis.

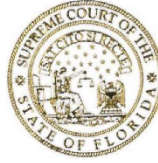
Categories of Appellate Filings: Fifth 2006 Through 2015



Sources: OPPAGA summary of information and data from the Office of the State Courts Administrator for the Fifth DCA.

Appendix F

Jorge Labarga
Chief Justice



Patricia (PK) Jameson
State Courts Administrator

Office of the State Courts Administrator

Phone: (850) 922-5081 Fax: (850) 488-0156
e-mail: osca@flcourts.org

January 30, 2017

Mr. R. Philip Twogood, Ph.D.
Coordinator
Office of Program Policy Analysis and Government Accountability
The Florida Legislature
111 West Madison Street, Room 312
Tallahassee, Florida 32399-1475

Dear Dr. Twogood:

Thank you for the opportunity to respond to *A Review of the Florida District Courts of Appeal Boundaries and Workload* as prepared by the Office of Program Policy Analysis and Government Accountability (OPPAGA). On behalf of the State Courts System, I commend staff of OPPAGA for the thoroughness and breadth of the review, as well as for their professional approach to completing the review.

The judicial branch shares the Legislature's commitment to continuous evaluation of workload issues affecting courts in this state, including the district courts of appeal. It is in this spirit that the Supreme Court fulfills the duty assigned to it by the State Constitution to determine the need for increases or decreases in the number judges and the need for changes to appellate district or judicial circuit boundaries.

The report's workload analysis provides valuable data on the number of case filings in the district courts of appeal. As noted in the report, when determining judicial need the court system uses a methodology that applies case weights to the number of cases disposed on the merits per judge. We believe this methodology is a better indicator of judicial workload than case filings alone, because it takes into account the differences in complexity among different types of cases. The mix of cases filed in each district court of appeal is an important consideration in comparing workload. In fact, a court's weighted workload may increase even as its number of case filings decreases.

To supplement the report's description of the weighted caseload methodology, I note that the Supreme Court averages a district court's weighted disposed cases per judge over three years and adds an additional judge. If, after that calculation, a district court meets the specified threshold of 315 disposed cases per year, the Supreme Court will consider certifying the need for an additional judge. The Court considers several other factors as well, as enumerated in the Rules of Judicial Administration.

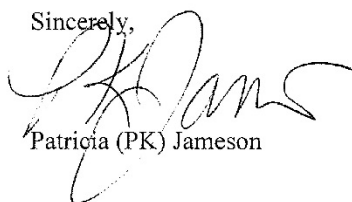
Mr. R. Philip Twogood, Ph.D.
January 30, 2017
Page 2

The report outlines three categories of ways that the district courts of appeal resolve or dispose of cases. One of the categories is characterized as administrative disposition (i.e., non-merits disposition). As a point of clarification, I note that judges may nevertheless be involved in some of the cases that are disposed under this category. For example, a court may use a motions panel of judges to address matters that arise during the course of an appeal but before a case is ready for a merits determination.

Lastly, as an important corollary to workload, the court system focuses continuously on performance. The Commission on District Court of Appeal Performance and Accountability, for example, is charged with proposing policies and procedures on matters related to the efficient and effective functioning of Florida's district courts through the development of comprehensive resource management, performance measurement, and accountability programs. Florida's district courts of appeal are performing very well, as evidenced by their fiscal year 2015-16 clearance rate of 104.8 percent.

The report's options related to district court of appeal boundaries do implicate a number of significant policy, fiscal, performance, and other operational considerations. The state courts system looks forward to working with the Legislature as it reviews the findings and options and weighs these considerations. Again, I thank you for the opportunity to review and comment on this report. If you should have any questions regarding this information, please do not hesitate to contact me.

Sincerely,



Patricia (PK) Jameson

PKJ:ewm

cc: Justices
District Court of Appeal Chief Judges

The Florida Legislature

Office of Program Policy Analysis and Government Accountability



OPPAGA provides performance and accountability information about Florida government in several ways.

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- Government Program Summaries (GPS), an online encyclopedia, www.oppaga.state.fl.us/government, provides descriptive, evaluative, and performance information on more than 200 Florida state government programs.
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