

# Florida's Judicial Boundaries and Workload

Report No. 19-06

Date: August 2019



# OPPAGA

Office of Program Policy Analysis and Government Accountability

# Florida's Judicial Boundaries and Workload

## EXECUTIVE SUMMARY

Florida's court system has seen both increases and decreases in case filings over time. These changes in workload are addressed by modifications to the number of judgeships in county, circuit, and district courts. Florida courts are divided into county and judicial circuits at the trial court level and districts and the Supreme Court at the appellate level. The number of circuits has changed over time, from a low of four to a high of 28. There are currently 20 judicial circuits. The geographical boundaries of the district courts of appeal have changed twice, from the original three at their creation in 1957 to the current five. While Florida's population growth is projected to be slower than in years past, projections show that the populations in all judicial circuits except the 16<sup>th</sup> (Monroe County) will experience double-digit growth rates over the next 27 years. In terms of court workload, the number of circuit and appellate case filings have followed similar patterns, both increasing from the 1970s to the 2010s. However, in the last decade, filings have decreased. The Legislature could consider several factors to address future changes in population and case filings.

### REPORT SCOPE

As directed by the Legislature, OPPAGA will conduct a review and analysis of the state court system, addressing district, circuit, and county court boundaries and workload.

This review of the state court system answers five questions.

- How have judicial boundaries been adjusted over time?
- How is the number of judges determined?
- What are the projected population changes within judicial boundaries?
- What are the trends in court workload?
- What factors should be considered when addressing future changes in judicial boundaries?

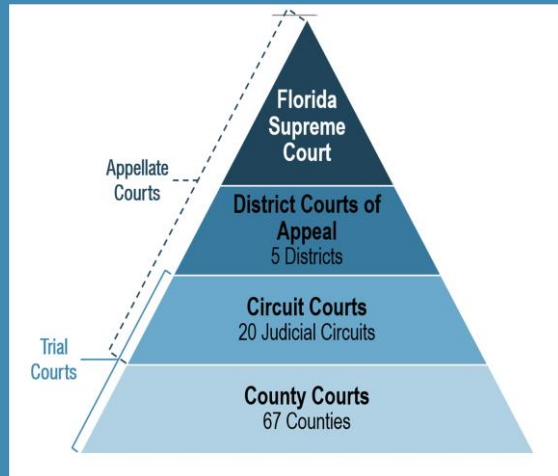
# INTRODUCTION

Article V of *The Constitution of the State of Florida* establishes the state courts system. Florida’s court system has four levels: county courts, circuit courts, district courts of appeal, and the state Supreme Court. (See Exhibit 1.) The county and circuit courts are primarily courts of original jurisdiction and

conduct hearings and trials; the district courts of appeal and the state Supreme Court have appellate jurisdiction. In addition to the trial and appellate courts, Article V also delineates the state courts system’s key participants, including judges, state attorneys, public defenders, and clerks of the court.<sup>1</sup>

Florida’s trial courts consist of both county and circuit courts. The Florida Constitution establishes a county court in each of Florida’s 67 counties. There is at least one judge in each county and there are currently 324 county court judges serving six-year terms. Sometimes referred to as “the people’s courts,” these lowest-level trial courts hear misdemeanor cases; violations of local ordinances; and small claims cases (up to and including \$5,000). County courts also hear civil cases in which the

**Exhibit 1**  
**Florida Courts Have Four Levels**



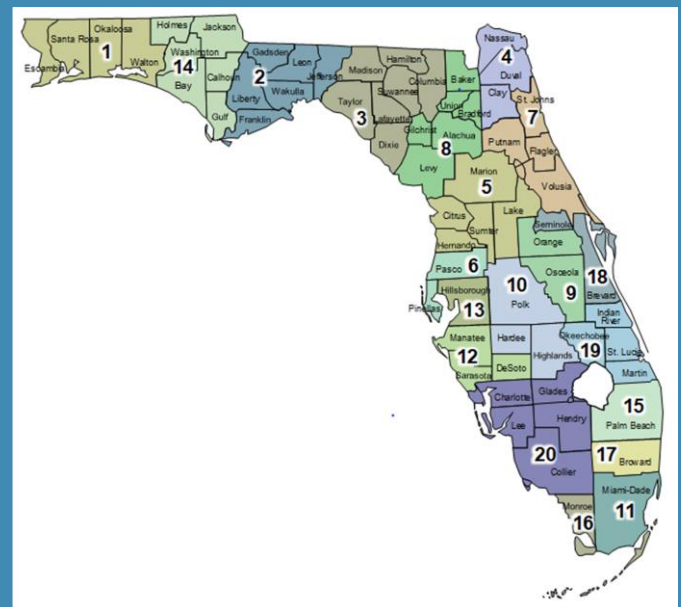
Source: Office of the State Courts Administrator.

amount in controversy does not exceed \$15,000 if filed on or before December 31, 2019.<sup>2</sup>

The majority of jury trials take place before the 601 circuit court judges. The jurisdiction of circuit courts includes, in part, civil disputes above the jurisdictional thresholds of the county courts, cases relating to juveniles, criminal prosecutions for all felonies, family law, probate, and tax disputes. Reflecting these responsibilities, the legal work of the circuit courts is grouped into four main categories or divisions: family, civil, criminal, and probate. Circuit courts also hear some appeals from county court cases. See Appendix A for the number of appeals to circuit courts over the last 10 years.

The Florida Constitution provides that a circuit court be established to serve each judicial circuit. The Legislature has established 20 circuits that cover all 67 counties. Circuits are composed of one

**Exhibit 2**  
**Florida Has 20 Circuit Courts**



Source: Office of the State Courts Administrator.

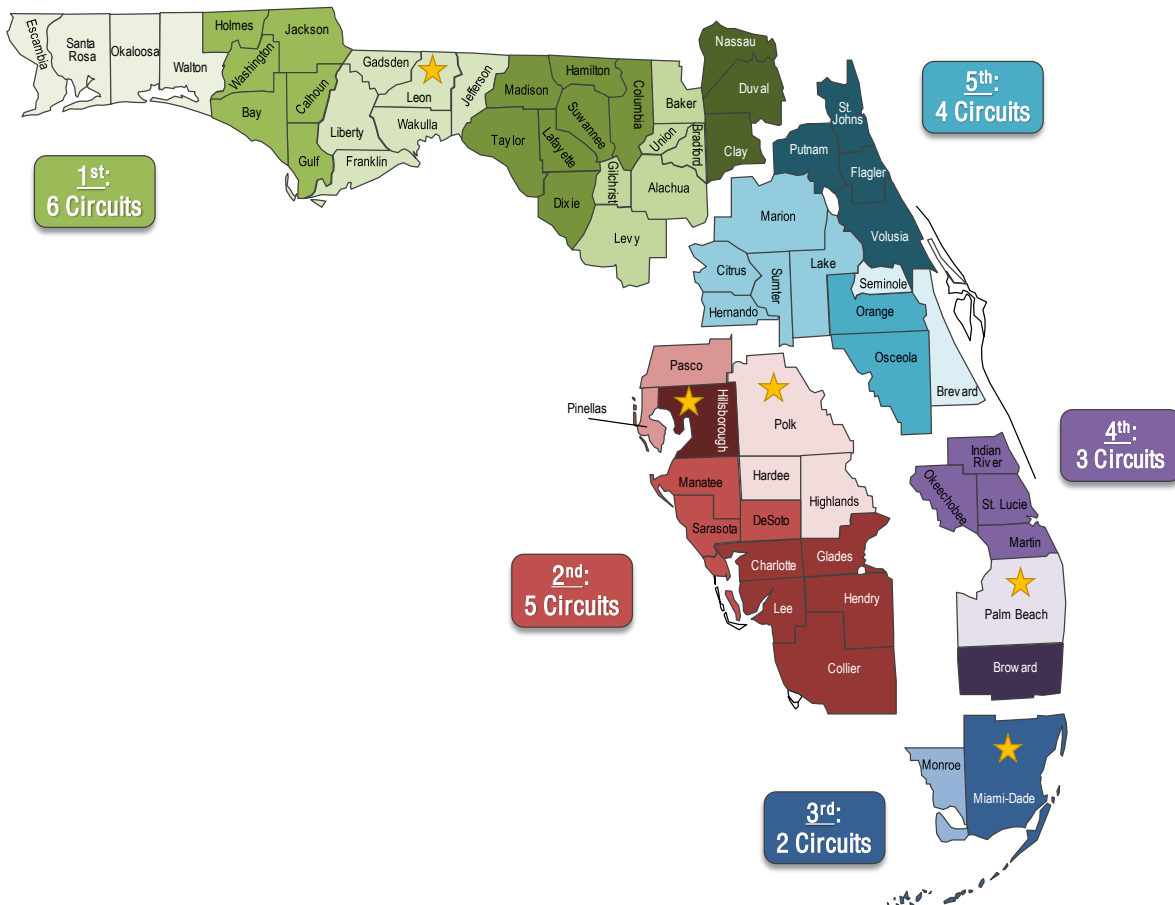
<sup>1</sup> Article V of *The Constitution of the State of Florida*.

<sup>2</sup> This threshold will increase to \$30,000 if filed on or after January 1, 2020, and \$50,000 if filed on or after January 1, 2023.

to seven counties. (See Exhibit 2.) Voters in each of Florida’s 67 counties elect a clerk of circuit court, who administers a variety of court-related and non-court related functions. Clerk of circuit court duties include having custody of court records, keeping minutes of court proceedings, and receiving and accounting for all moneys received, such as fines and fees. Other functions include being the custodian of public records and collector of public funds.

The five district courts of appeal (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. 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 the DCAs 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.<sup>3</sup> (See Exhibit 3.) These districts range from two to six judicial circuits.

**Exhibit 3  
Florida Has Five District Courts of Appeal**



Source: Office of the State Courts Administrator.

The Legislature and the counties fund Florida courts. The Legislature appropriated over \$514 million in funding and over 4,000 positions for the trial courts and district courts of appeal for Fiscal Year 2019-20. (See Exhibit 4.)

<sup>3</sup> The headquarters of the DCAs are established in s. [35.05, F.S.](#) The Second DCA is the only DCA with a branch headquarters, located in Tampa.

## Exhibit 4

### In Fiscal Year 2019-20, the Legislature Appropriated Over \$500 Million for Trial and Appellate Courts

Court	General Revenue	Trust Fund	Total All Funds	Total Positions
Trial Courts	\$402.0 million	\$62.3 million	\$464.6 million	3,578
County Courts	\$92.8 million	\$5.9 million	\$98.6 million	648
Circuit Courts	\$309.2 million	\$56.7 million	\$366.0 million	2,930
District Courts of Appeal	\$35.1 million	\$15.0 million	\$50.1 million	445
<b>TOTAL</b>	<b>\$437.1 million</b>	<b>\$77.3 million</b>	<b>\$514.7 million</b>	<b>4,023</b>

Source: Chapter 2019-115, *Laws of Florida*.

Section 29.004, *Florida Statutes*, sets 14 elements of the state courts system that are funded from state revenues.<sup>4</sup> These elements include several functions that are provided through staff, including judges and their judicial assistants, magistrates, hearing officers, mediators, court administrators, staff attorneys, case managers, court reporters, and court interpreters. As specified in Article 5, Section 14 of *The Constitution of the State of Florida*, counties are required to pay for the building and maintenance of court facilities and the salaries of some support staff for the county courts. For example, counties are required to fund the cost of communications services, existing multiagency criminal justice information systems, and costs associated with the construction or lease, maintenance, utilities, and security for circuit and county court buildings. Counties also pay for the staff and expenses associated with local requirements, which refers to staff and expenses associated with specialized local court programs and any resources required as a result of special factors or circumstances within the county.<sup>5</sup> There is also a provision in law that allows counties to enter into agreements with chief judges to fund personnel positions to assist in the operation of the circuit.<sup>6</sup>

## QUESTIONS & ANSWERS

### How have judicial boundaries been adjusted over time?

Article V of *The Constitution of the State of Florida* provides that the Legislature divide the state into judicial circuits and appellate court districts following county lines.<sup>7</sup> The Florida Constitution requires the Supreme Court to establish, by rule, uniform criteria for the determination of the necessity for increasing, decreasing, or redefining judicial circuits and appellate districts.<sup>8</sup> For example, the rule requires the Supreme Court to consider the circuits' effectiveness, efficiency, accessibility, professionalism, and public trust and confidence and then 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 judicial circuits or appellate districts should be used in limited circumstances only after all other less

<sup>4</sup> These elements are judges; juror compensation and expense; court reporting and transcription services; construction or lease of facilities and related costs for the district courts of appeal and the Supreme Court; court interpreters and translators; expert witnesses appointed by the court pursuant to an express grant of statutory authority; judicial assistants, staff attorneys, and resource materials; general and special magistrates and hearing officers; court administration; case management; some mediation and arbitration; basic publicly accessible legal materials; the Judicial Qualifications Commission; and offices of the appellate clerks and marshals and appellate law libraries.

<sup>5</sup> Section 29.008, *F.S.*

<sup>6</sup> Section 29.0081, *F.S.*

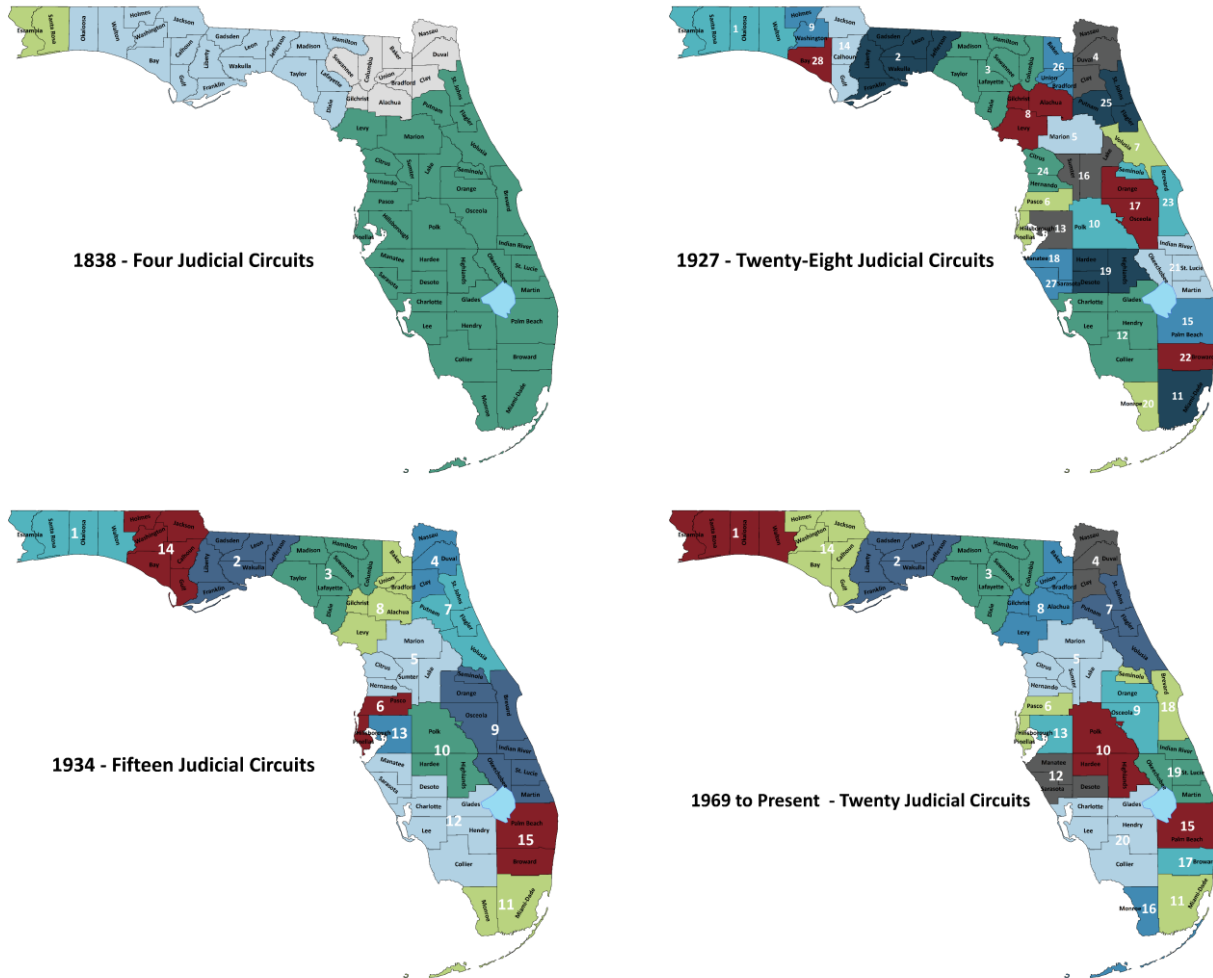
<sup>7</sup> [Article V, Section 1](#) of *The Constitution of the State of Florida* provides that the Legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Section 26.021, *F.S.*, dictates the composition of the 20 judicial circuits.

<sup>8</sup> Rule 2.241, *Florida Rules of Judicial Administration*.

disruptive adjustments have been considered.<sup>9</sup> If the court finds a need exists, 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.<sup>10</sup>

Since the adoption of its first state constitution, Florida has been divided into judicial circuits, with the number of circuits ranging from a minimum of 4 circuits in 1838 to a maximum of 28 circuits in 1927.<sup>11</sup> Since 1969, Florida has had 20 judicial circuits. (See Exhibit 5.)

**Exhibit 5**  
**The Number of Judicial Circuits in Florida Has Varied Over Time**



Source: *A Report on the Judicial Circuits of Florida*, 1991, and *The Compiled General Laws of Florida*, 1927.

The Florida Constitution has provided various requirements for judicial circuits. Initially, the 1838 state constitution mandated that there be at least four convenient circuits. Later state constitutions

<sup>9</sup> By rule, prior to recommending a change to a trial or appellate district boundary, 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.  
<sup>10</sup> 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 judicial circuits upon a finding of two-thirds of the membership of the House of Representatives and Senate that a need exists.  
<sup>11</sup> *A Report on the Judicial Circuits of Florida*, Florida House of Representatives Committee on Judiciary, September 1991.

provided that the state be divided into convenient circuits, eliminating the requirement for a specific number. In 1885, the Florida Constitution returned to the requirement of a specific number of circuits; however, that number did not remain static, and by amendments to the Florida Constitution, was increased from 7 circuits in 1885 to 28 circuits by 1927.

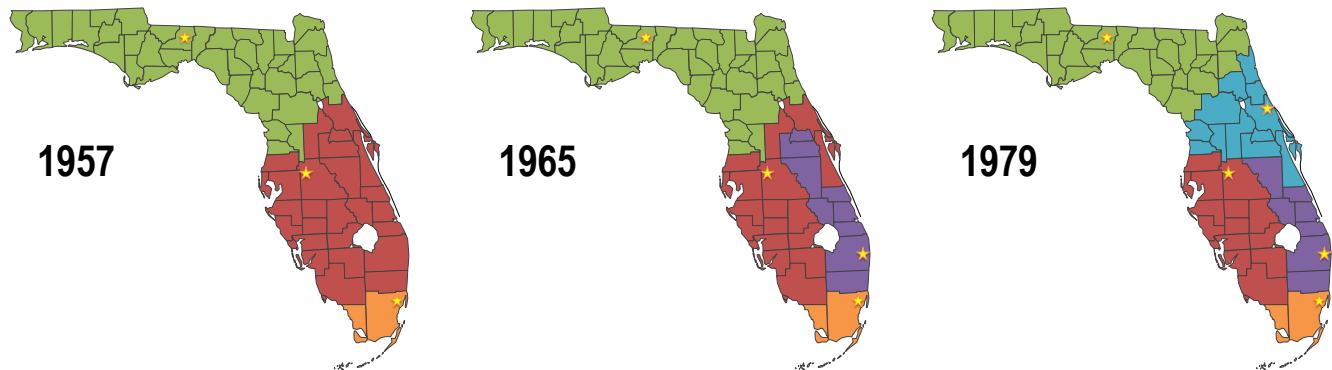
Population settlement patterns and the various provisions of the state's constitutions played a role in the development of Florida's current circuit system. As migration shifted southward, the Legislature created judicial circuits that it subsequently subdivided to accommodate population growth. Southeast Florida, for example, grew from one circuit, representing essentially the entire east coast of Florida south of St. Augustine, to seven circuits. Similarly, as the southwest coast of Florida developed, the number of circuits increased from one large circuit, encompassing Tampa Bay to Naples, to five circuits. During this time, the number of Florida counties also increased from an initial two counties established in 1821, to 20 counties in 1840, to 45 counties in 1900. By 1925, when Gilchrist County was established, all 67 of Florida's present-day counties had been formed. As counties were created, judicial circuits consisting of single counties were added by the Legislature. As a result, by 1927, there were 11 single-circuit counties out of 28 total circuits.

In 1934, the Florida Constitution was amended to again specify a set number of judicial circuits, but took population size into consideration. Specifically, it provided that there be 15 judicial circuits and that no circuit have a population of less than 50,000 persons. As a result, many circuits were restructured, and small counties that were previously alone or grouped together were merged with larger counties to form new circuits that complied with the population threshold. For example, the amendment resulted in the 5<sup>th</sup> Circuit, consisting of Citrus, Hernando, Lake, Marion, and Sumter counties, a configuration in place to the present day. These counties had previously been organized into three circuits: the 5<sup>th</sup>, 16<sup>th</sup>, and 24<sup>th</sup>. Since 1934, existing circuits have been subdivided to accommodate large population growth. In the 1960's, the Legislature made changes to the composition of the circuits three times. For example, the 1963 Legislature divided the 15<sup>th</sup> Circuit so that it encompassed only Palm Beach County and created the 17<sup>th</sup> Circuit for Broward County. The final change to Florida's judicial circuits occurred in 1969, when the Legislature created the 20<sup>th</sup> Circuit (Charlotte, Collier, Glades, Hendry, and Lee counties). The composition of circuits created in that year persists to the present day.

Since the establishment of the district courts of appeal in 1957, the geographical boundaries have changed twice. The first three district courts of appeal were created in 1957 and were headquartered in Tallahassee (First DCA), Lakeland (Second DCA), and Miami (Third DCA). The Fourth DCA was created in 1965 and was initially headquartered in Vero Beach but was moved to West Palm Beach in 1967. In 1979, the Florida Supreme Court recommended and the Legislature created the Fifth DCA, designating Daytona Beach its headquarters. (See Exhibit 6 for a map of current and historical district court boundaries.) In 1979, the Supreme Court also recommended that the headquarters of the Second DCA be moved from Lakeland to Tampa or St. Petersburg. 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.

## Exhibit 6

### Since the Creation of the District Courts of Appeal in 1957, the Boundaries Have Changed Twice



Source: OPPAGA analysis of historic court records.

## How is the number of judges determined?

The Florida Constitution requires the Supreme Court to establish, by rule, uniform criteria for determining the need for judges in each of the judicial circuits.<sup>12</sup> Over time, Florida has made adjustments to the process for determining judicial need. Prior to 1999, the Supreme Court relied primarily on a caseload filings standard that set a maximum number of cases per judge but did not account for differences in the work required by different case types.<sup>13</sup> In response to a legislative request in 1998, the Supreme Court contracted with the National Center for State Courts to establish a caseload weighting system, using both the Delphi method and a time study.<sup>14</sup> The National Center for State Courts conducted a judicial workload assessment and constructed Florida's weighted caseload model. This model, with subsequent updates, continues to be used today.<sup>15</sup>

The weighted caseload model is based on the premise that different types of cases require different amounts of judicial work. The model attempts to provide a more precise estimate of judicial work than a resource allocation based solely on population or raw, unweighted caseloads. The weighted caseload model uses three formula elements to determine the total number of judges needed to handle case workload. (See Exhibit 7.)

<sup>12</sup> Rule 2.240, *Florida Rules of Judicial Administration*.

<sup>13</sup> In 1997, the Legislature directed OPPAGA to review the method for determining judicial workload. OPPAGA found that the filings-based certification process did not accurately identify the need for judges and supplemental resources and a weighted caseload approach could improve the determination of judicial workload. *Review of the Efficiency of the Two-Tiered Trial Court System and the Process for Certifying Judges*, OPPAGA Report No. 97-36, January 1998.

<sup>14</sup> The Delphi method, developed in the 1950's by the RAND Corporation, is a structured, iterative, consensus-based process for gathering expert opinion on a topic. A time study focuses on the collection of empirical data describing how judges spend their time. Florida combines both a judicial time study and input from a Delphi panel of judges.

<sup>15</sup> *Judicial Resource Study Final Report*, Supreme Court of Florida Commission on Trial Court Performance & Accountability, 2007; *Florida Judicial Workload Assessment Final Report*, National Center for State Courts, May 16, 2016.



## Exhibit 7

### The Weighted Caseload Model Helps Determine the Need for Additional Judges

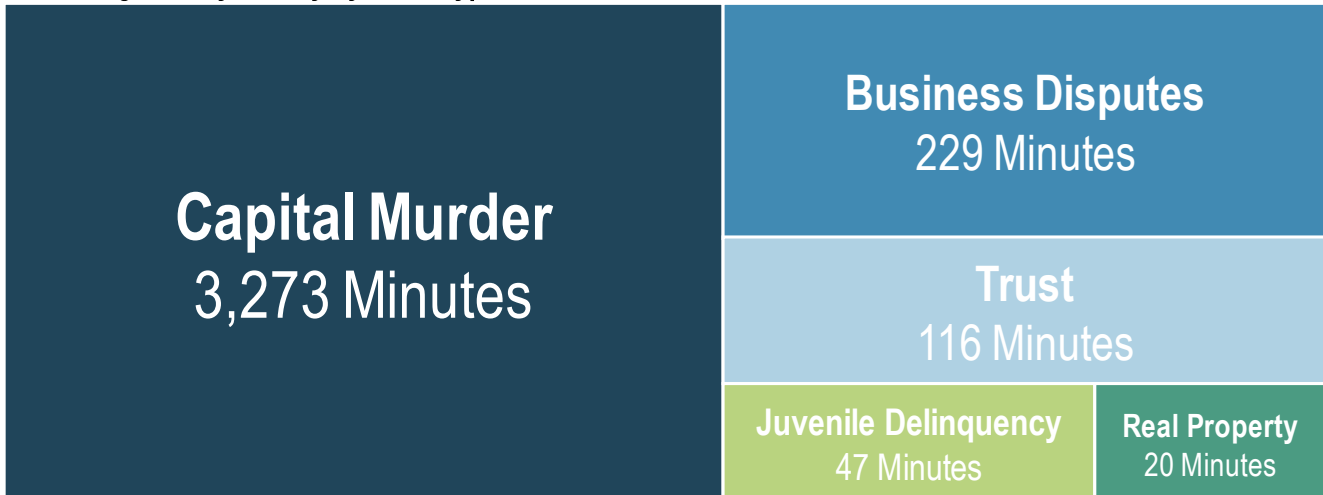


Source: *Florida Judicial Workload Assessment Final Report*, May 2016.

The case filings of each case type are multiplied by the calculated case weights, or time required to handle each case type, to arrive at the total workload. The total workload is then divided by the year value, or amount of time judges have available for casework in a year. The time required to handle each case type is calculated by a judicial time study in which judges record the time they spend on tasks for a four-week period. The last time study was conducted in the fall of 2015. Case weights calculated from the time study are reviewed by a set of Delphi groups comprising judges and, after discussion, adjustments to case weights may be made. (See Exhibit 8 for examples of circuit court case weights, expressed in minutes.)

## Exhibit 8

### Case Weights Vary Greatly by Case Type



Source: *Florida Judicial Workload Assessment Final Report*, May 2016.

To develop the year value component, a determination is also made about how to divide the judicial workday between case-related and non-case-related work. This approach takes into account activities that make a judge unavailable for case-related work such as administration, travel, and lunch breaks. Time spent on non-case-related activities is subtracted from an 8.5-hour workday to arrive at the judge day value. (See Exhibit 9.)

**Exhibit 9**  
**Judge Day Value Takes Non-Case-Related Activities Into Account**

Heading	Circuit Court	County Court
Total working hours per day	8.5	8.5
Lunch and breaks	-1.0	-1.0
Non-case-related work	-1.5	-1.5
Circuit court work		-1.0
Case-related day value	6.0 Hours	5.0 Hours

Source: *Florida Judicial Workload Assessment Final Report*, May 2016.

If the formula determines that additional judges are needed, the Supreme Court certifies the need statewide prior to legislative session in the form of a certification opinion, which is a request to the Legislature. Upon receipt of this request from the Supreme Court, the Legislature considers the findings and recommendations and may reject or implement them in whole or in part by establishing the number of circuit and county judges in statute.<sup>16,17</sup> For example, in December of 2018, the Supreme Court issued an opinion certifying the need for additional judgeships, and in the following legislative session, the Legislature authorized one additional circuit judgeship for both the 9<sup>th</sup> and 12<sup>th</sup> circuits and one additional county court judgeship for both Citrus and Flagler counties. (See Appendix B for the number of certifications and authorizations of circuit and county court judges between 1972 and 2017.)

The procedure for increasing the number of appellate judges is similar to the procedure for increasing the number of circuit or county court judges. The Supreme Court is required to establish uniform criteria for determining the need for additional appellate judgeships and certify the need to the Legislature.<sup>18</sup> The Legislature has the authority to increase or decrease the number of district judgeships.<sup>19</sup> The judicial time needed to complete an appellate case, or case weight, is calculated based on DCA judges’ responses to a survey of estimated time to complete different categories of cases. This methodology is different than the time-logs used by the trial courts to estimate case weights. The Supreme Court uses a three-year weighted average of appellate cases, as well as other factors established in rule, to determine judicial need for each district. In 1975, Florida had four district courts with 20 appellate judgeships. Currently, Florida has 64 appellate judgeships across the five DCAs, with the most recent judgeships added to the Second and Fifth DCAs in 2014.

## What are the projected population changes within judicial boundaries?

Between 1970 and 2018, Florida’s population grew from 6.8 million to 20.9 million residents. On average, the state grew 4.3% annually, achieving a 207% increase over the 48-year period. While all

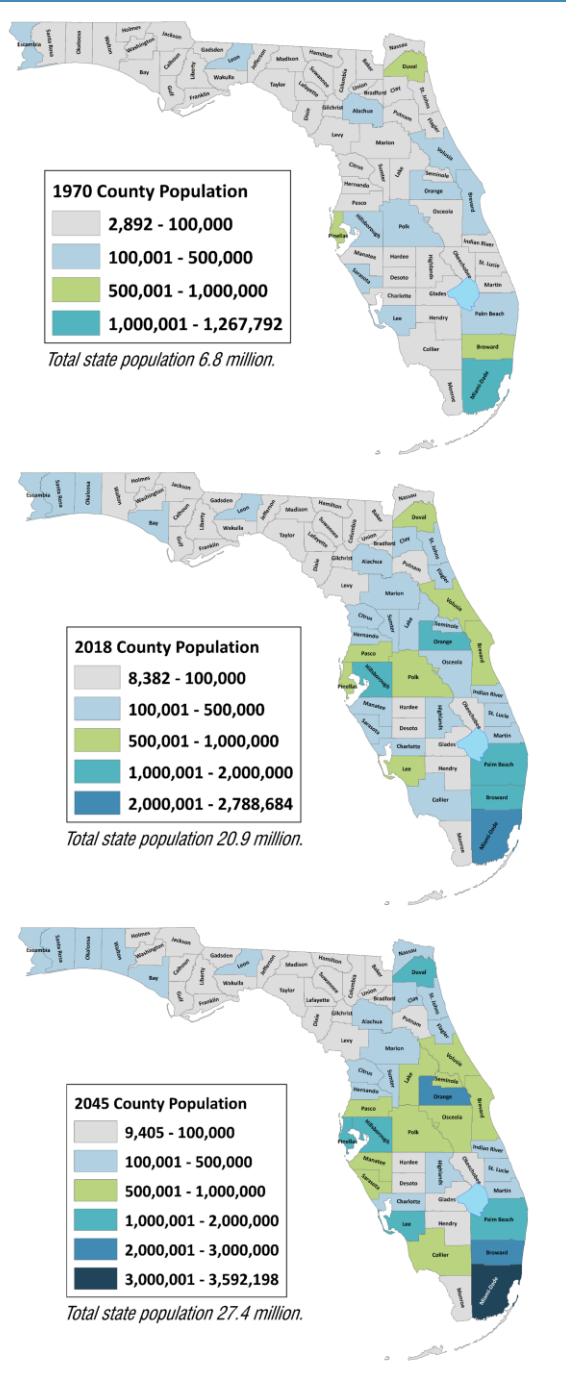
<sup>16</sup> Sections [26.031](#) and [34.022](#), *F.S.*

<sup>17</sup> The Legislature requires two-thirds of the body to create or decrease the number of judicial offices recommended by the Supreme Court.

<sup>18</sup> Rule [2.240 \(b\)\(2\)\(B\)](#), Florida Rules of Judicial Administration.

<sup>19</sup> Article V, Section 9 of *The Constitution of the State of Florida*.

## Exhibit 10 County Population Changes - 1970, 2018, and 2045



Source: OPPAGA analysis of Office of Economic and Demographic Research data.

of Florida's 67 counties experienced double-digit or greater percentage growth, the rate of growth varied widely from a low of 23% in Gadsden County to a high of 2,320% in Flagler County. Fifty-one of Florida's counties (76%) at least doubled their population from 1970 to 2018. The greatest increases in population occurred in the central and southern regions of the state, where eight counties were responsible for over 50% of the growth: Broward, Hillsborough, Lee, Miami-Dade, Orange, Palm Beach, Pinellas, and Polk counties. (See Appendix C for population data by county.)

Florida's population is expected to grow 31% by 2045. While this rate is slower than the preceding 48-year period (1970-2018), Florida is expected to add another 6.6 million residents, bringing the state's projected population to 27.4 million. (See Exhibit 10.)

Two historical population trends that have shaped Florida's growth pattern are forecasted to continue over the next 27 years. First, intense growth in the central and southern regions of the state is expected. By 2045, eight counties will have populations of over 1 million people, with only one of them, Duval, located in north Florida.<sup>20</sup> Second, less growth is anticipated in North Florida (particularly the eastern Panhandle and Big Bend) and the Inland Okeechobee regions. Many of the counties in these areas are projected to retain populations of less than 50,000 residents for at least the next 27 years.

Projections show that a small number of counties in the central and southern regions of the state will be responsible for over half the projected growth. These seven counties are Broward, Hillsborough, Lee, Miami-Dade, Orange, Osceola, and Palm Beach. While the 1970 to 2018 period saw increased population of at least 5,000 in all 67 counties, 24 counties are projected to increase by less than 5,000 residents in the next 27 years. Three of these counties are anticipated to grow by less than 1,000 residents (Jefferson, Monroe, and Madison), collectively adding just over 2,000 new residents to the state. By comparison, the three highest-growth

<sup>20</sup> These eight counties are Broward, Duval, Hillsborough, Lee, Miami-Dade, Orange, Palm Beach, and Pinellas.

counties (Hillsborough, Miami-Dade, and Orange) are collectively anticipated to add over 2 million residents, accounting for just under one-third of the 6.6 million in statewide anticipated growth.

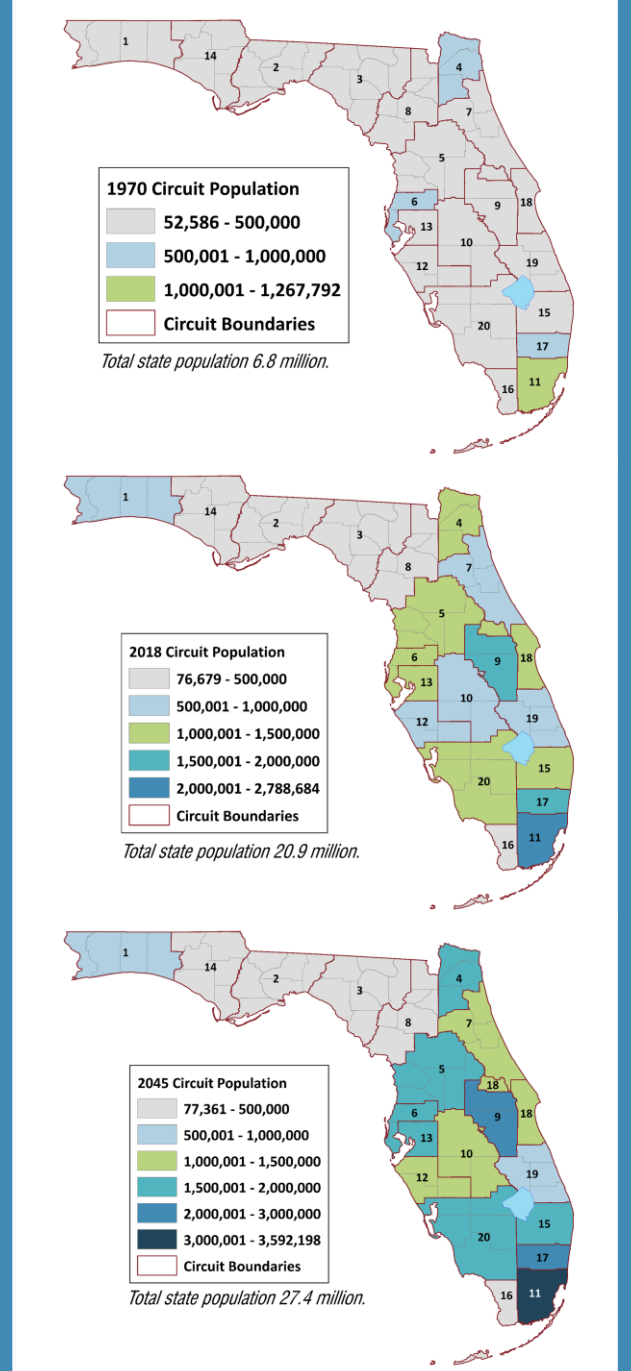
County population growth has a direct effect on the size of judicial circuits. All judicial circuits have experienced population growth since 1970, with rates ranging from a low of 46% (1% annually) in the 16<sup>th</sup> Circuit to a high of 603% (12.6% annually) in the 20<sup>th</sup> Circuit. As shown in Exhibit 11, in 1970, only four circuits exceeded 500,000 in population, with only the 11<sup>th</sup> Circuit (Miami-Dade) having a population over 1 million. As of 2018, 15 circuits have populations over 500,000, 10 of which have populations over 1 million. Miami-Dade (11<sup>th</sup>) remains the largest-population circuit with 2.8 million residents.

Between 1970 and 2018, the greatest increases in population occurred in circuits in the central (5<sup>th</sup>, 6<sup>th</sup>, 9<sup>th</sup>, and 13<sup>th</sup>) and southern regions of the state (11<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, and 20<sup>th</sup>). Over this period, these eight circuits, composed of 16 counties, accounted for 65% (9.1 million) of Florida's 14 million new residents. Six additional circuits saw population increases of over half a million people. However, Florida still has five circuits with populations under 500,000, primarily concentrated in the Panhandle and Big Bend.

While Florida's growth is projected to be slower in the next 27 years, at just over 31%, projections show that all circuits, with the exception of the 16<sup>th</sup> (Monroe), will experience double-digit growth rates over the next 27 years.<sup>21</sup> The 9<sup>th</sup> Circuit is anticipated to experience the greatest increase in population at 55%, or almost 1 million additional residents. By 2045, the three largest circuits will have populations in excess of 2 million; the 11<sup>th</sup> Circuit will have 3.6 million, the 9<sup>th</sup> Circuit will have 2.7 million, and the 17<sup>th</sup> Circuit will have 2.3 million. (See Appendix E for the projected growth in case filings in each circuit based on the projected population growth over the next 10 years.)

Unlike judicial circuits, which cover smaller geographical areas and may not have a major population center, the district courts of appeal

### Exhibit 11 Judicial Circuits Population Changes -1970, 2018, and 2045



Source: OPPAGA analysis of Office of Economic and Demographic Research data.

<sup>21</sup> The 16<sup>th</sup> Circuit (Monroe) is projected to experience negligible growth of less than 1,000 people.

typically encompass large geographical areas (DCA’s range in size from 2 counties in the Third DCA to 32 counties in the First DCA) and all five have at least one major population center within their jurisdiction. As a result, since 1980, all DCAs have seen growth in excess of 1 million new residents. The Second and Fifth DCAs saw the greatest growth during this period, with both adding just over 3.1 million new residents. While all five DCAs are projected to experience population growth over the next 27 years, growth in the Second and Fifth DCAs will continue to markedly outpace the other three, with both the Second and the Fifth DCA projected to grow by almost 2 million new residents. By 2045, projections for the two DCAs anticipate 7.8 million residents in the Second DCA and almost 6.9 million in the Fifth DCA. (See Exhibit 12.) If appellate filings grew at the same rate as the projected population rate in each of the five DCAs, the Second and Fifth DCAs would also experience a significant increase in judicial workload.

**Exhibit 12**  
**Population Growth in District Courts of Appeal**

District Court of Appeal	1980 Population	Percentage of Growth	Actual Growth	2018 Population	Percentage of Growth	Actual Growth	2045 Estimated Population
First	1,834,012	80%	1,473,304	3,307,316	24%	790,816	4,098,132
Second	2,702,689	116%	3,143,466	5,846,155	34%	1,978,099	7,824,254
Third	1,688,697	70%	1,176,666	2,865,363	28%	804,196	3,669,559
Fourth	1,826,371	118%	2,160,225	3,986,596	25%	987,779	4,974,375
Fifth	1,695,192	187%	3,169,297	4,864,489	41%	1,992,768	6,857,257
<b>Total</b>	<b>9,746,961</b>	<b>114%</b>	<b>11,122,958</b>	<b>20,869,919</b>	<b>31%</b>	<b>6,553,658</b>	<b>27,423,577</b>

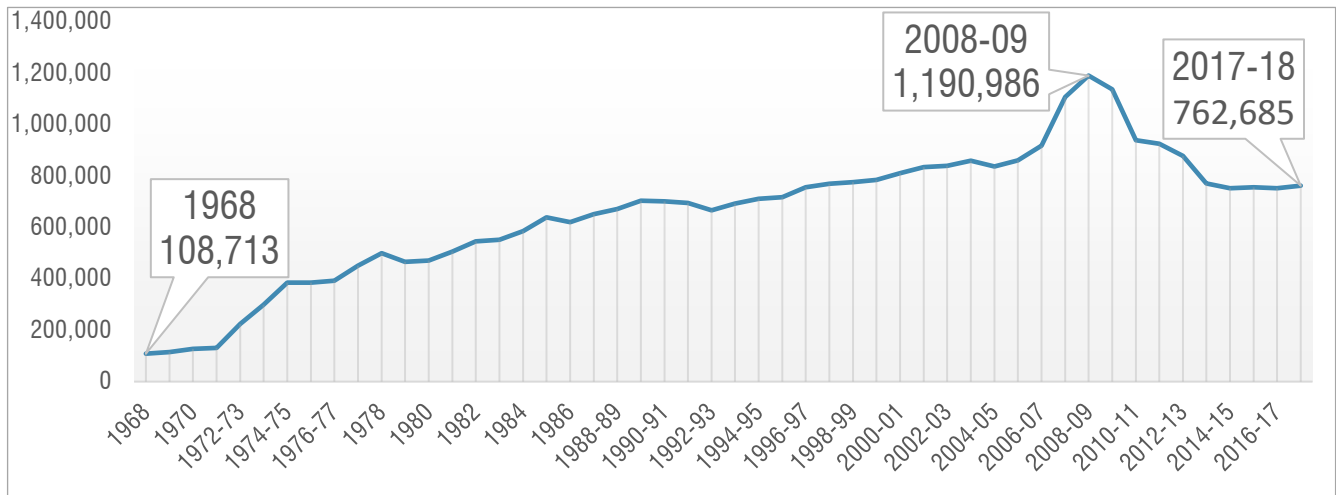
Source: OPPAGA analysis of Office of Economic and Demographic Research population data.

## What are the trends in court workload?

The number of circuit and appellate case filings in Florida have followed similar patterns, both increasing from the 1970s to the 2010s. However, in the last decade, circuit and appellate filings have decreased. This pattern is consistent with a national trend, which shows a decrease in case filings in recent years. The number of annual circuit court filings increased from 108,713 in calendar year 1968 to a peak of 1.2 million filings in Fiscal Year 2008-09 during the foreclosure crisis.<sup>22</sup> (See Exhibit 13.) The number of filings has decreased over the last decade to 762,685 filings in Fiscal Year 2017-18. This number of filings is comparable to the number of filings in the late 1990s.

<sup>22</sup> The economic recession starting in 2007 significantly increased the number of civil foreclosure cases in Florida.

**Exhibit 13**  
**Annual Circuit Court Case Filings - 1968 to 2018**



Note: Historical data for case filings in some fiscal years was unavailable; thus, filing data from the calendar year was used.  
 Source: OPPAGA analysis of historic court records.

The number of circuit court filings increased in all circuits from Fiscal Year 1972-73 to Fiscal Year 2017-18, with a low of 1,880 filings to a high of 53,756. As shown in Exhibit 14, the circuits with the greatest increase in the number of circuit court filings were the 11<sup>th</sup>, 17<sup>th</sup>, and 9<sup>th</sup> judicial circuits. The three circuits with the lowest increases in the number of circuit court filings were the 16<sup>th</sup>, 3<sup>rd</sup>, and 8<sup>th</sup>, with increases under 10,000. (See Appendix F for trends in the annual number of case filings for each circuit.)

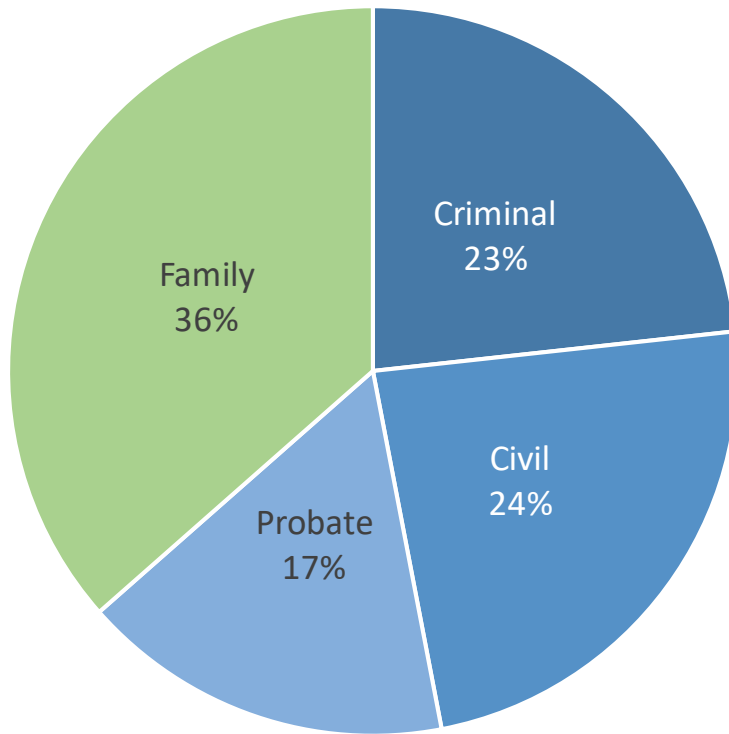
**Exhibit 14**  
**Increase in Court Filings by Circuit - Fiscal Years 1972-73 to 2017-18**

Circuits	1972-73	2017-18	Increase
1st	11,807	34,426	22,619
2nd	4,608	17,764	13,156
3rd	3,241	8,241	5,000
4th	19,775	44,532	24,757
5th	7,824	41,459	33,635
6th	21,019	58,541	37,522
7th	7,865	34,890	27,025
8th	4,309	13,904	9,595
9th	13,792	59,559	45,767
10th	9,166	35,373	26,207
11th	38,945	92,701	53,756
12th	7,358	26,782	19,424
13th	15,792	54,409	38,617
14th	4,419	16,392	11,973
15th	11,052	45,412	34,360
16th	2,038	3,918	1,880
17th	21,650	74,387	52,737
18th	8,423	34,985	26,562
19th	4,691	21,965	17,274
20th	6,573	43,045	36,472
<b>Total</b>	<b>224,347</b>	<b>762,685</b>	<b>538,338</b>

Source: OPPAGA analysis of historic court records and Florida Office of the State Courts Administrator's Summary Reporting System.

Circuit courts hear a variety of case types, including family, civil, criminal, and probate. In Fiscal Year 2017-18, the largest number of filings were family court cases (36%), followed by civil (24%), criminal (23%), and probate (17%). (See Exhibit 15.)

**Exhibit 15**  
**Distribution of Circuit Filings by Case Type - Fiscal Year 2017-18**

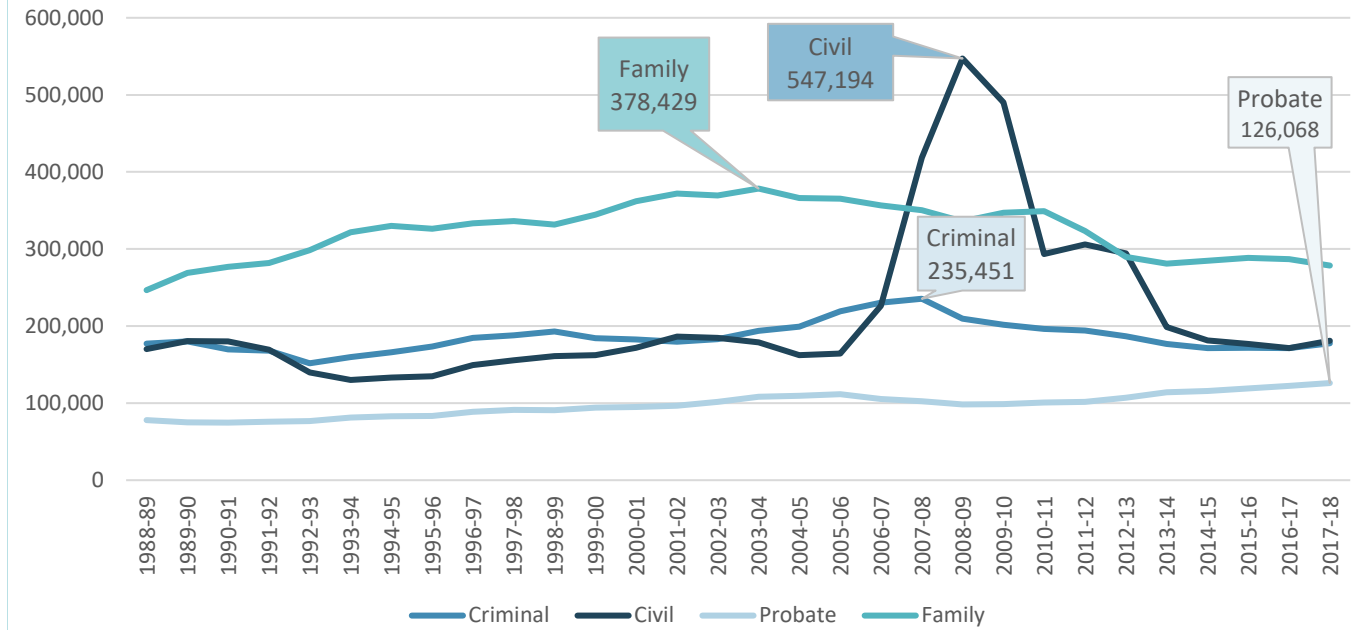


Source: OPPAGA analysis of data from the Office of the State Courts Administrator.

The composition of circuit court filing types has remained relatively consistent over time, with family cases having the highest number of filings and probate the lowest. However, as shown in Exhibit 16, civil case filings peaked in 2008-09 during the foreclosure crisis, during which the number of civil filings surpassed both criminal and family filings. By Fiscal Year 2013-14, filings by case type returned to historical patterns, with family having the highest number of filings.

Most case type filings have been declining over time. Family court case filings have been declining since Fiscal Year 2003-04, from 378,429 filings in Fiscal Year 2003-04 to 278,317 in Fiscal Year 2017-18, a 26% decrease. Criminal case filings have declined 25%, from a peak of 235,451 filings in Fiscal Year 2007-08 to 177,419 filings in Fiscal Year 2017-18. Only probate case filings have continuously increased over the last 30 years, growing 62% from 77,854 filings in Fiscal Year 1988-89 to 126,068 filings in Fiscal Year 2017-18. (See Exhibit 16.)

**Exhibit 16**  
**Trends in Circuit Filings by Case Type - Fiscal Years 1988-89 to 2017-18**

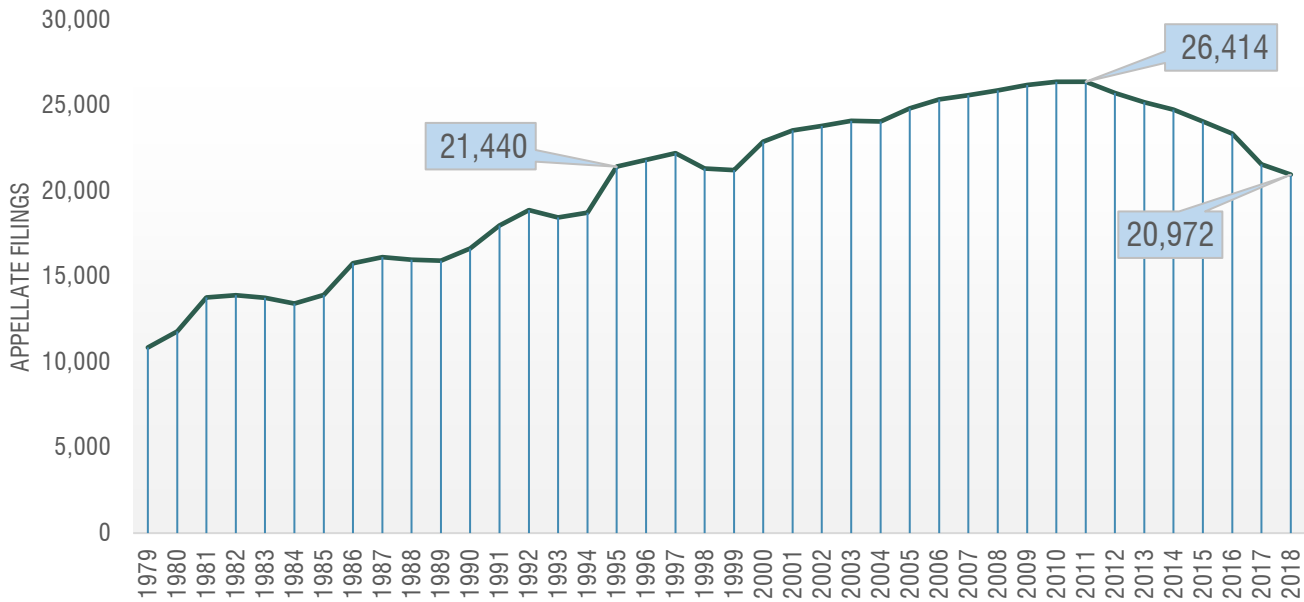


Source: OPPAGA analysis of Florida Office of the State Courts Administrator’s Summary Reporting System.

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 shown in Exhibit 17, from 1979 to 2011, the overall number of appellate case filings increased from 10,861 to 26,414, an increase of 143%. However, from 2011 to 2018, the number of filings declined to 20,972, a level comparable to 1994 case filings. This trend is consistent with a pattern of declining case filings at the circuit court level.



**Exhibit 17**  
**District Courts of Appeal Case Filings - 1979 to 2018**



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

Recent advancements in technology have helped Florida’s courts manage their workloads. The legislative mandate to file court records electronically accelerated the courts’ and clerks’ transition to an electronic environment. Each county clerk of court developed or acquired electronic case maintenance systems, which vary across the 67 counties. Because each county has an independently elected clerk of court, Florida is somewhat unique in having multiple electronic case maintenance systems that are separate from one another, as well as separate from the various judicial case maintenance systems used by the circuit courts. For example, the U.S. District Courts have one unified electronic case maintenance system.<sup>23</sup> These systems maintain all official court documents and records, including filings, dispositions, assigned judges, motions, and parties to a case and are used to generate judges’ court dockets. Because Florida’s clerk-based case maintenance systems do not provide all of the functionality needed to conduct judicial activities, the courts have purchased or developed software known as Court Application Processing Systems (CAPS). These applications extract data from the various clerks’ case maintenance systems and display it electronically in a uniform fashion. Among other capabilities, CAPS allow judges to prepare and electronically sign orders.

Court staff reported several benefits to these technological advancements. For example, court staff mentioned the importance of automated, remote order signing. This technology can be used to help law enforcement obtain warrants quickly and outside of normal business hours. Court staff also noted the importance of electronic case management in keeping cases moving through the process. For example, judges and court case managers can see when actions have not been taken in a case for a period of time. Digital court reporting and remote video interpretation services are two other advancements in technology that have made the courts more efficient.

<sup>23</sup> Beginning in the late 1980’s, the federal courts enacted technological improvements including the Public Access to Court Electronic Records system, which allows public access to court records, and Case Management/Electronic Case Files, an electronic case management system.

# What factors should be considered when addressing future changes in judicial boundaries?

As population grows and caseloads continue to fluctuate in the future, the Legislature and the courts could consider several factors for addressing these changes. These factors could include continuing to use the existing judicial workload certification process. This approach addresses judicial workload needs in the circuits through the creation or elimination of judicial positions. Although Florida would continue to have both large and small circuits in terms of cases, staff, and judgeships, judges and other court stakeholders we spoke with view the judicial workload certification process as a reasonable way to address changes in workload. Additionally, although circuits have had unequal workloads for many years, court stakeholders we interviewed said the difference in workloads among the circuits was not a problem as long as circuits have a sufficient number of judges and the associated resources to handle their particular workload. In addition, the Legislature could consider increasing the number of less costly non-judicial staff, which may help courts handle growing workloads within existing judicial resources. A previous OPPAGA report found that circuit judges most commonly identified lack of sufficient staff as an impediment to efficient and effective court operations. Specifically, the lack of case managers and staff attorneys were the two positions the responding judges mentioned most frequently and were the highest-rated positions in terms of importance to judicial efficiency.<sup>24</sup>

The Legislature could also consider changing judicial boundaries. As discussed earlier, Florida had as many as 28 judicial circuits at one time. If the Legislature wanted to create greater uniformity in caseloads across circuits, it could create additional circuits based on population and establish a population limit for all circuits. Redrawing boundaries should have little impact on public access since trial court cases typically occur in the parties' county of residence, with most citizens accessing circuit court services at a county courthouse or annex in their home county, of which the location and number are determined by the county. (See Appendix G for more information about the location of courthouses in Florida.) However, redrawing boundaries would face geographic constraints from both large and small population circuits. Three out of the five largest circuits are single-county (11<sup>th</sup>, 17<sup>th</sup>, and 15<sup>th</sup>) and are thus indivisible due to the constitutional requirement that the Legislature must follow county lines when dividing the state into judicial circuits and appellate court districts.<sup>25</sup> Conversely, of the five multi-county circuits that make up the Panhandle and Big Bend, only the 1<sup>st</sup> Circuit has a population greater than 500,000. The remaining four (2<sup>nd</sup>, 3<sup>rd</sup>, 8<sup>th</sup>, and 14<sup>th</sup>) have populations ranging from 196,000 to 406,000, though each covers six or, in the case of the 3<sup>rd</sup>, seven counties, the greatest number of any circuit in the state.

If changes to circuit boundaries were contemplated, considerations may be the potential disruption to court services and the expense. Chief judges and court stakeholders cited a number of concerns with changing circuit boundaries, including the need to add court staff and additional state attorney and public defender offices if a new circuit was added, and issues with legal precedent if a redrawn circuit moved to a different District Court of Appeal. Further, judges and court staff expressed concerns that a change in boundaries would disrupt established relationships with stakeholders and traditions within circuits, including collaboration between the courts and among counties in multi-county circuits. In addition, state attorneys conveyed that changes could create issue with continuity and

---

<sup>24</sup> *A Review of Florida Circuit Courts*, OPPAGA Report No. 15-13, December 2015.

<sup>25</sup> [Article V, Section 1](#) of *The Constitution of the State of Florida* provides that the Legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Section [26.021](#), *F. S.*, dictates the composition of the 20 judicial circuits.

fidelity of prosecution. Finally, if the objective of redrawing circuit boundaries is to achieve balance in workload among circuits, the boundaries would need to be redrawn on a regular cycle to maintain this balance. Given the historical fluctuations in the number of court filings and Florida's projected population growth, a one-time boundary adjustment would not maintain workload balance across circuits. A formula and criteria for periodic adjustments would need to be developed.

As Florida has grown in population and communities have expanded geographically, many counties have added new courthouses to provide greater public accessibility and accommodate litigants who may live far from historic population centers and existing courthouses.<sup>26</sup> At the time of our review, new courthouse locations were being considered or building was underway in eight counties. Conversely, the District Courts of Appeal have not experienced significant changes to courthouse locations, with DCA headquarter sites remaining relatively consistent since their inception.<sup>27</sup> As discussed in a previous OPPAGA review, due to the nature of appellate court work, the public has little in-person interaction with the courts, with parties typically only physically going to the courthouse if oral argument has been scheduled in a case. However, courthouse location may be a factor for applicants for appellate court judgeships. 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.<sup>28</sup> A 2006 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.

To modify the location of DCAs, the Legislature could consider increasing the number of DCA branch headquarters, which would allow the appellate courts to have a presence in multiple population centers within a district, as is the case in the Second DCA, with headquarters in Lakeland and a branch headquarters in Tampa. In addition, it could consider relocating a DCA headquarters. Two recent examples illustrate costs related to new DCA courthouses. In 2018, the Fourth DCA headquarters relocated to a newly constructed building. The new courthouse replaced an approximately 45-year-old courthouse that suffered from moisture and mold intrusion and was non-compliant with the Americans with Disabilities Act and a United States Marshals' Service security assessment. The new 41,000-square-foot courthouse accommodates 12 judges and 72 employees, with the capacity to handle 2 more judges and 9 more employees without requiring further construction. The total construction cost for the Fourth DCA project was \$26,663,728.<sup>29</sup> However, these costs did not include land costs, as the land was already owned by the state.

A 2016 legislatively-requested space and location needs study for the Second DCA found that the existing headquarters courthouse in Lakeland was well past its useful and economic life due to environmental, structural, and space concerns.<sup>30,31</sup> The purpose of the study was to provide recommendations regarding the long-term space and location needs of the Second DCA, which is the only appellate court in the state that has operations in two locations, Lakeland and Tampa. The study outlined several reasons for consolidating and relocating the court, which included that most judges

---

<sup>26</sup> These additional locations, or courthouse annexes, may provide all trial court services, including jury selection and trials, or more limited services such as traffic or family court.

<sup>27</sup> The only changes include a move from Vero Beach to West Palm Beach in the Fourth DCA in 1967 and the establishment of a branch headquarters in Tampa in the Second DCA in 1980.

<sup>28</sup> Article V, Section 8 of *The Constitution of the State of Florida*.

<sup>29</sup> The costs include \$17,657,507 for the courthouse, \$7,168,195 for the parking garage, and \$1.8 million for other costs such as furniture, fixtures, and equipment.

<sup>30</sup> *Second District Court of Appeal Space and Location Needs Study*, Savills Studley Occupier Services and National Center for State Courts, December 22, 2016.

<sup>31</sup> It was estimated that the facility needed at least \$6.5 million in repairs, which was well above the estimated value of the facility. Even with this investment, the repaired facility would not meet the requirements of the consolidated operations of the court.

and their staff worked in Tampa full-time and that the Second DCA's population was geographically centered in the Tampa Bay region. The study also determined that the best long-term option was to build a new state-owned courthouse in the Tampa Bay region. In addition to land acquisition costs, it was estimated that the design and construction costs were approximately \$440 to \$460 per square foot, or \$32.2 to \$33.7 million based on an estimated 73,000 square feet requirement, to build a new state-owned courthouse.<sup>32</sup> In its agency capital improvements plans for Fiscal Years 2019-20 through 2023-24, the state court system used these estimates and adjusted for annual construction inflation through 2019, estimating a total project cost ranging from \$46.3 to \$48 million.<sup>33,34</sup>

---

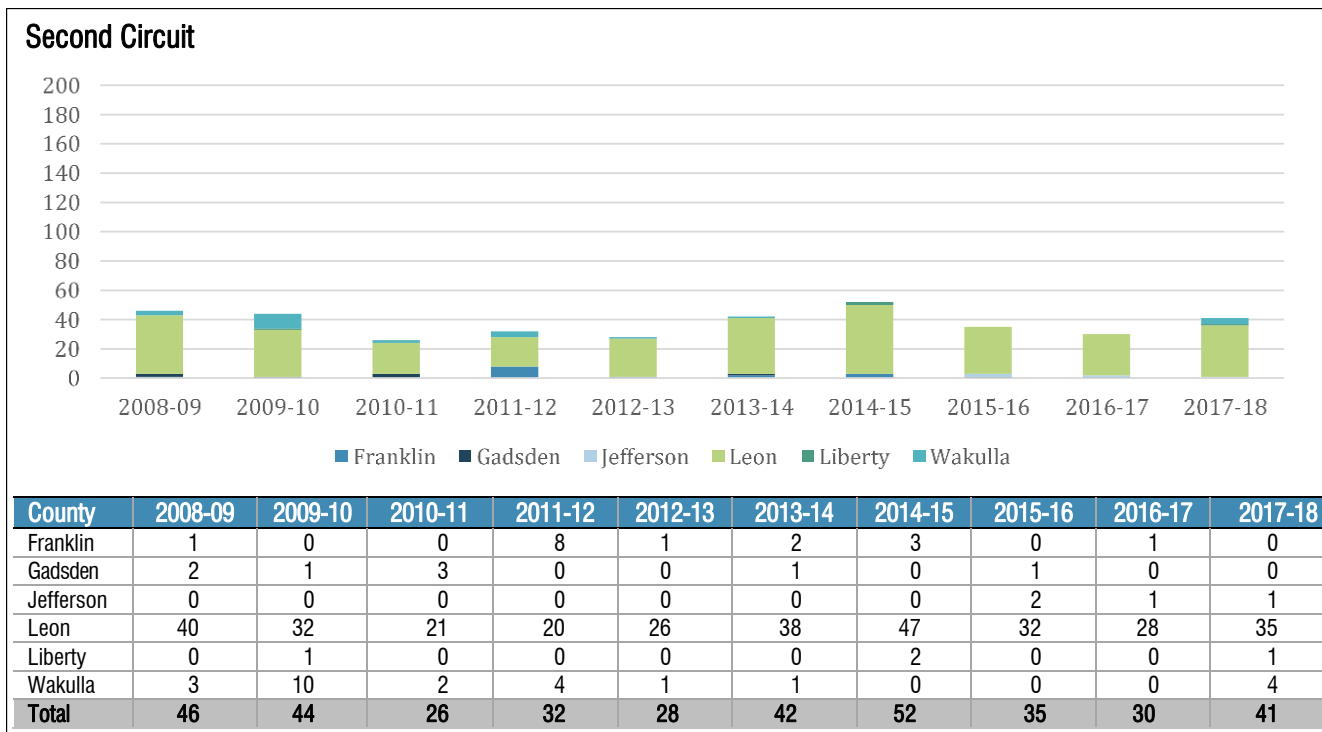
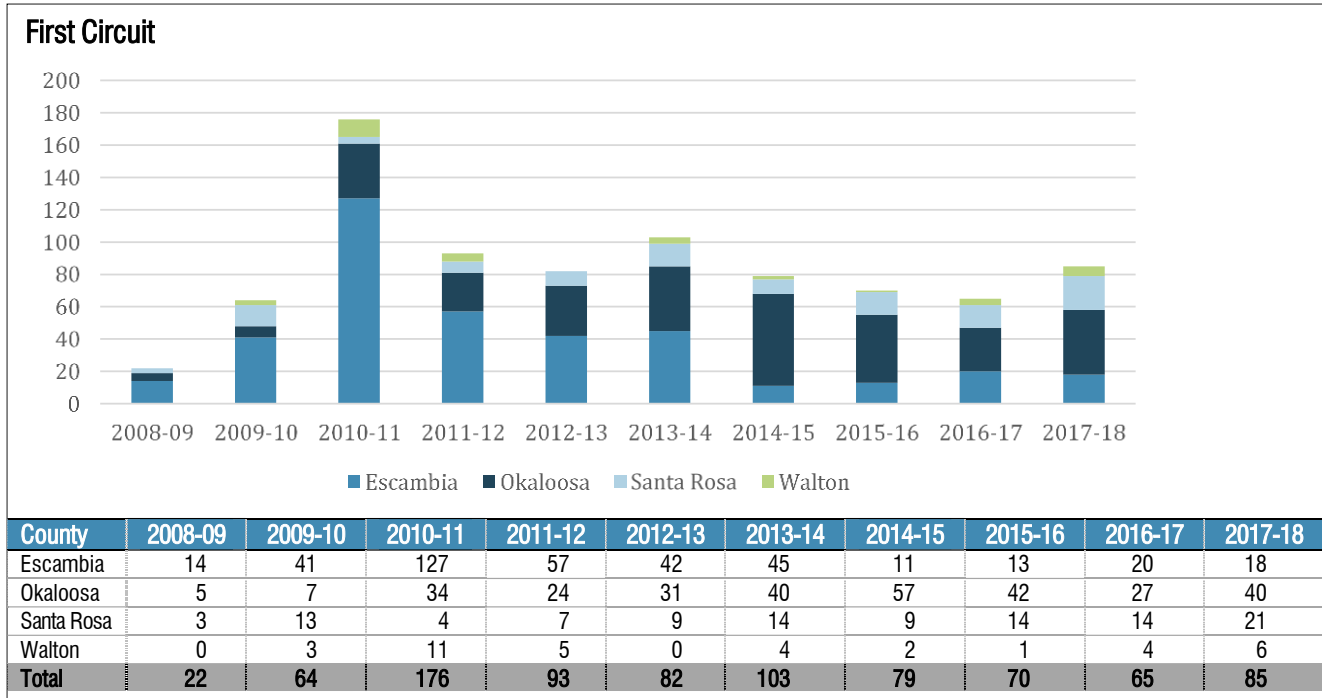
<sup>32</sup> The range of anticipated cost includes the cost differences between developing in a downtown submarket versus other submarkets in addition to specific site conditions. The impact of secured parking, including surface versus structured parking, will also affect overall cost. The estimated cost would also be effected by the commencement date of construction as pricing changes over time, including up to +/- 5% each year. Additionally, the estimate does not include furniture, fixtures, and equipment.

<sup>33</sup> Based on the study, during the 2018 session, the Second DCA requested \$8.2 million for pre-construction costs, including the cost to acquire a site if not already state-owned. The funds were also to be used for DMS to retain an architect to design a new courthouse on the selected site and to retain a contractor to estimate the costs to construct that design on the selected site so the Second DCA could request those construction costs in future years. The request stated that additional funds may have been needed to complete the land acquisition. The requested funds were not included within the 2018 General Appropriations Act.

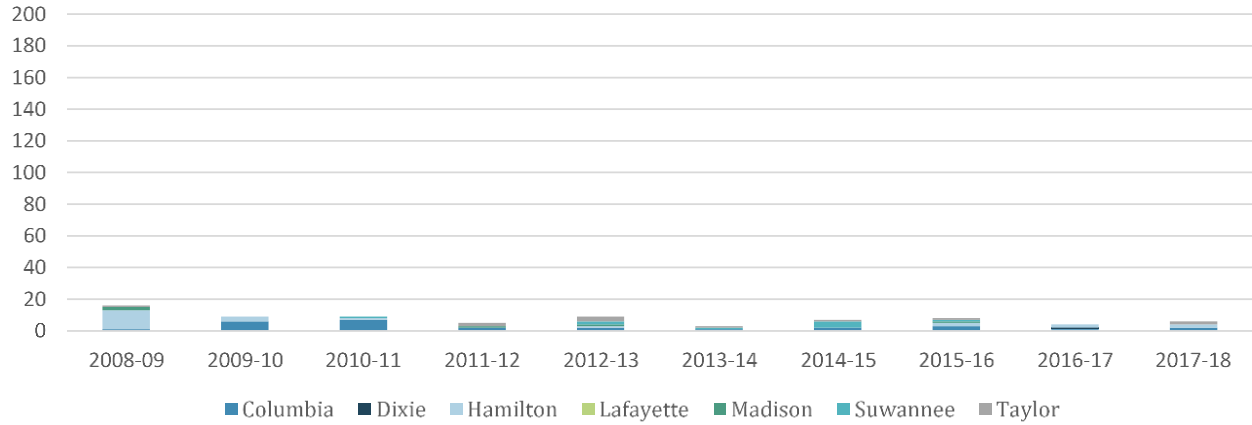
<sup>34</sup> These estimates included \$4 million for site/building acquisition, \$37 to \$38.7 million for design and construction fees, \$3 million for site development/parking, and \$2.3 million for furniture, fixtures, and equipment.

# APPENDIX A

## Appeals to Circuit Court From County Courts

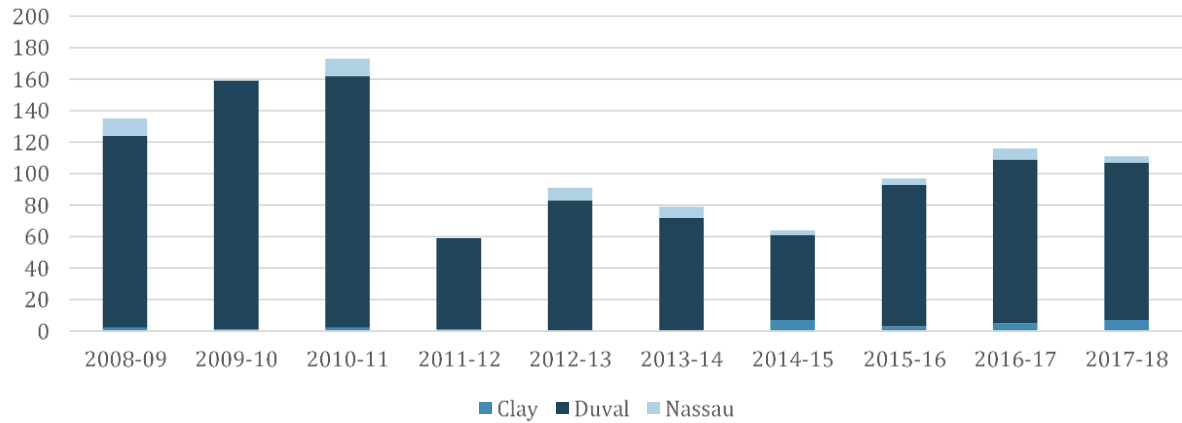


### Third Circuit



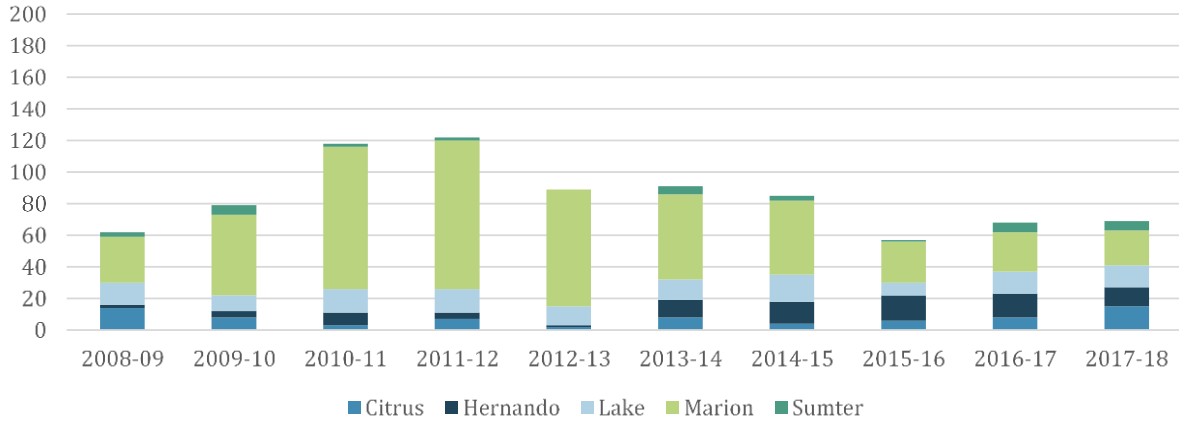
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Columbia	1	6	7	2	2	1	2	3	1	2
Dixie	0	0	0	0	0	0	0	0	1	0
Hamilton	12	3	1	0	1	0	0	2	2	2
Lafayette	0	0	0	0	0	0	0	0	0	0
Madison	2	0	0	1	1	0	0	1	0	0
Suwannee	0	0	1	0	2	1	4	1	0	0
Taylor	1	0	0	2	3	1	1	1	0	2
<b>Total</b>	<b>16</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>9</b>	<b>3</b>	<b>7</b>	<b>8</b>	<b>4</b>	<b>6</b>

### Fourth Circuit



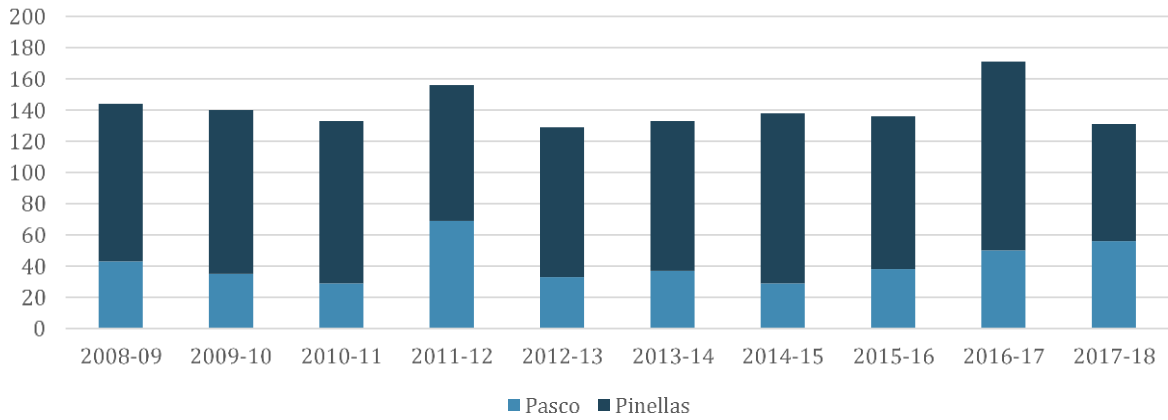
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Clay	2	1	2	1	0	0	7	3	5	7
Duval	122	158	160	58	83	72	54	90	104	100
Nassau	11	0	11	0	8	7	3	4	7	4
<b>Total</b>	<b>135</b>	<b>159</b>	<b>173</b>	<b>59</b>	<b>91</b>	<b>79</b>	<b>64</b>	<b>97</b>	<b>116</b>	<b>111</b>

### Fifth Circuit



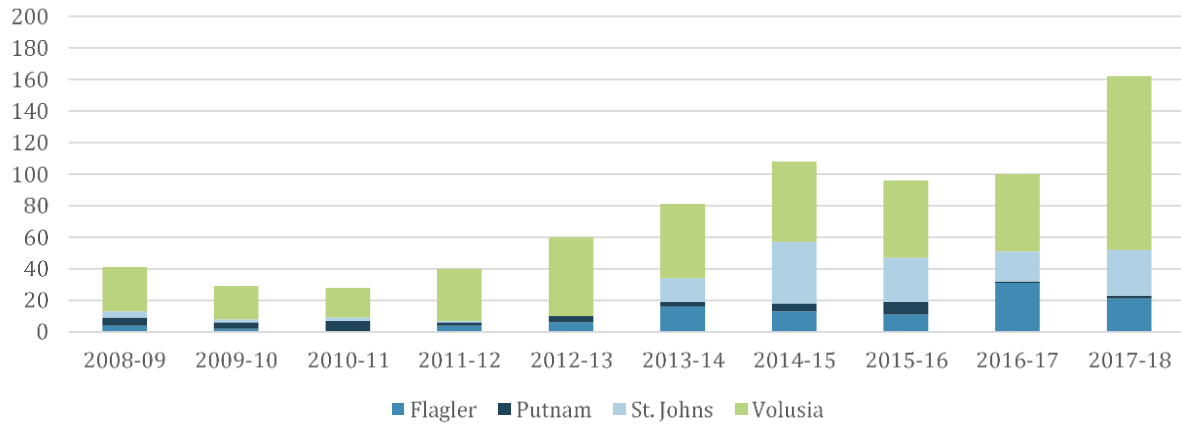
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Citrus	14	8	3	7	2	8	4	6	8	15
Hernando	2	4	8	4	1	11	14	16	15	12
Lake	14	10	15	15	12	13	17	8	14	14
Marion	29	51	90	94	74	54	47	26	25	22
Sumter	3	6	2	2	0	5	3	1	6	6
<b>Total</b>	<b>62</b>	<b>79</b>	<b>118</b>	<b>122</b>	<b>89</b>	<b>91</b>	<b>85</b>	<b>57</b>	<b>68</b>	<b>69</b>

### Sixth Circuit



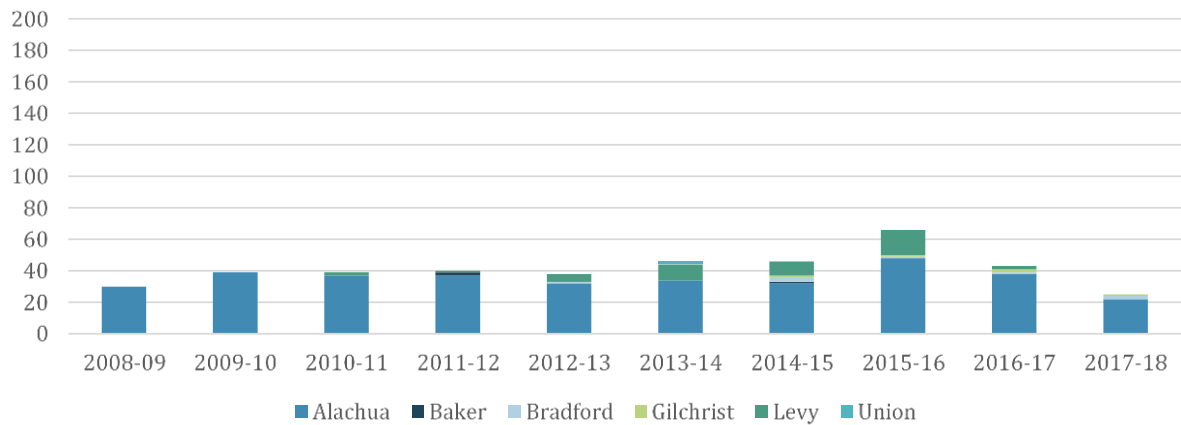
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Pasco	43	35	29	69	33	37	29	38	50	56
Pinellas	101	105	104	87	96	96	109	98	121	75
<b>Total</b>	<b>144</b>	<b>140</b>	<b>133</b>	<b>156</b>	<b>129</b>	<b>133</b>	<b>138</b>	<b>136</b>	<b>171</b>	<b>131</b>

### Seventh Circuit



County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Flagler	4	2	0	4	6	16	13	11	31	21
Putnam	5	4	7	2	4	3	5	8	1	2
St. Johns	4	2	2	1	0	15	39	28	19	29
Volusia	28	21	19	33	50	47	51	49	49	110
<b>Total</b>	<b>41</b>	<b>29</b>	<b>28</b>	<b>40</b>	<b>60</b>	<b>81</b>	<b>108</b>	<b>96</b>	<b>100</b>	<b>162</b>

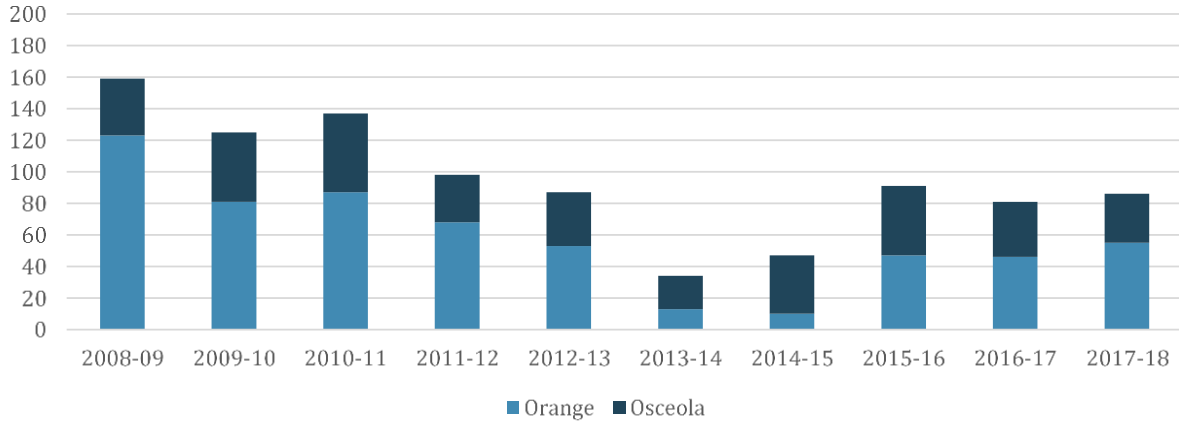
### Eighth Circuit



County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Alachua	30	39	37	37	32	34	32	48	38	22
Baker	0	0	0	2	0	0	1	0	0	0
Bradford	0	0	0	0	1	0	3	1	1	2
Gilchrist	0	0	0	0	0	0	1	1	2	1
Levy	0	0	2	1	5	10	9	16	2	0
Union	0	0	0	0	0	2	0	0	0	0
<b>Total</b>	<b>30</b>	<b>39</b>	<b>39</b>	<b>40</b>	<b>38</b>	<b>46</b>	<b>46</b>	<b>66</b>	<b>43</b>	<b>25</b>

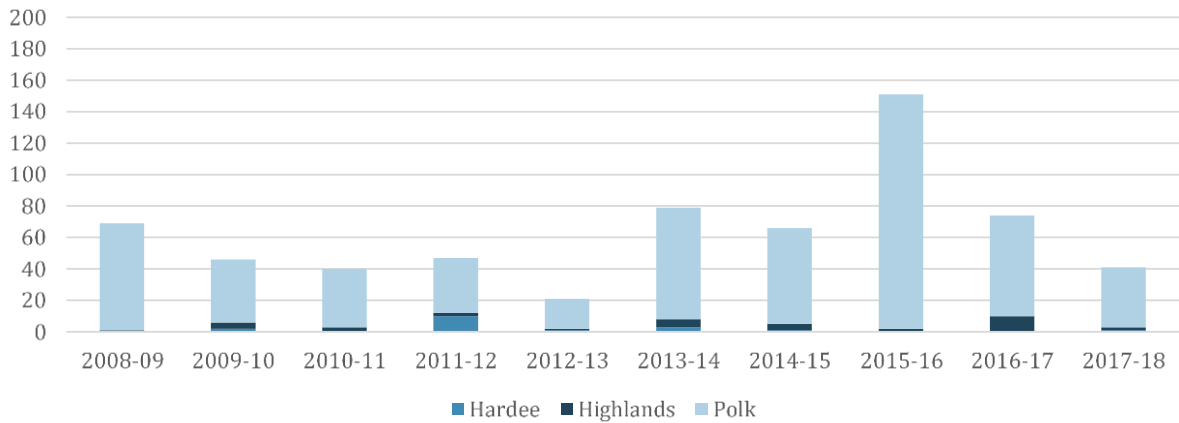


### Ninth Circuit



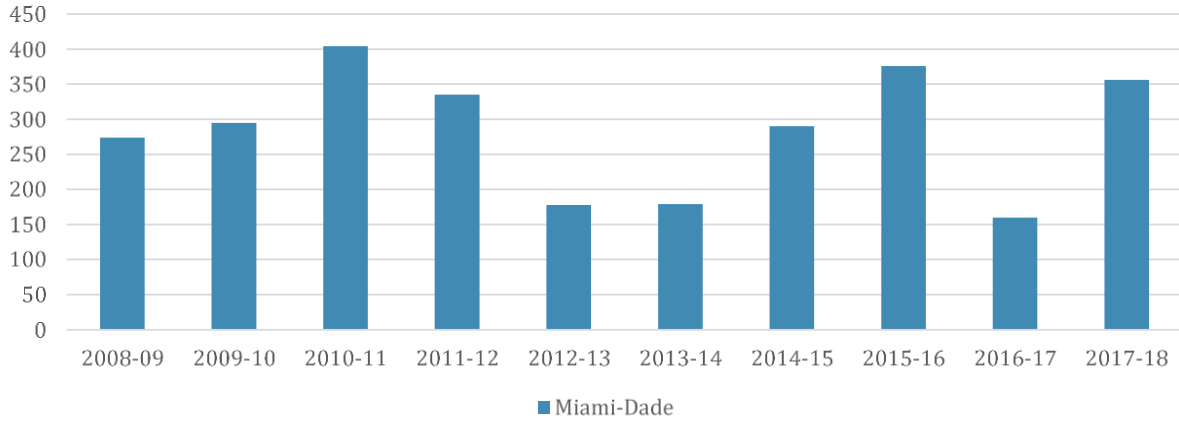
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Orange	123	81	87	68	53	13	10	47	46	55
Osceola	36	44	50	30	34	21	37	44	35	11
<b>Total</b>	<b>159</b>	<b>125</b>	<b>137</b>	<b>98</b>	<b>87</b>	<b>34</b>	<b>47</b>	<b>91</b>	<b>81</b>	<b>86</b>

### Tenth Circuit



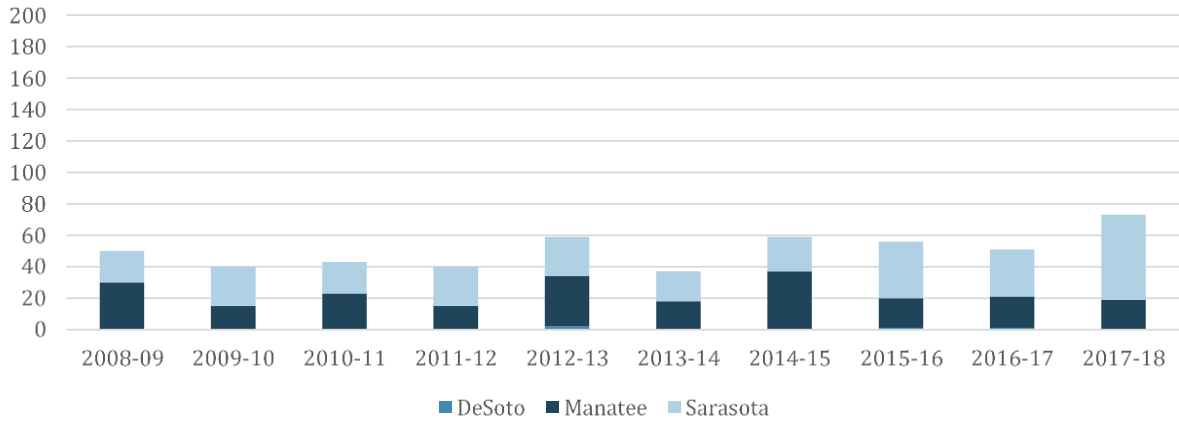
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Hardee	0	2	0	10	1	3	1	0	0	1
Highlands	1	4	3	2	1	5	4	2	10	2
Polk	68	40	37	35	19	71	61	149	64	38
<b>Total</b>	<b>69</b>	<b>46</b>	<b>40</b>	<b>47</b>	<b>21</b>	<b>79</b>	<b>66</b>	<b>151</b>	<b>74</b>	<b>41</b>

### Eleventh Circuit



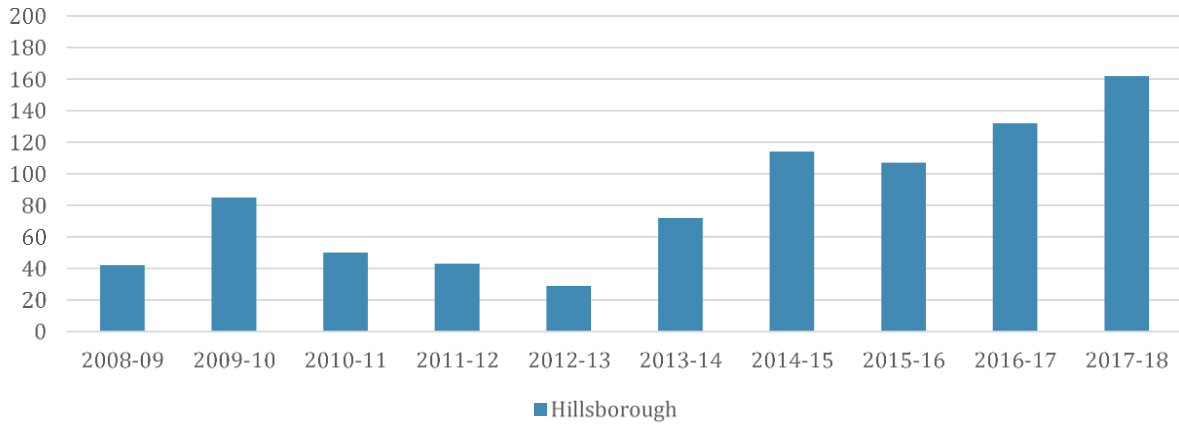
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Miami-Dade	274	295	404	335	178	179	290	376	160	356
<b>Total</b>	<b>274</b>	<b>295</b>	<b>404</b>	<b>335</b>	<b>178</b>	<b>179</b>	<b>290</b>	<b>376</b>	<b>160</b>	<b>356</b>

### Twelfth Circuit



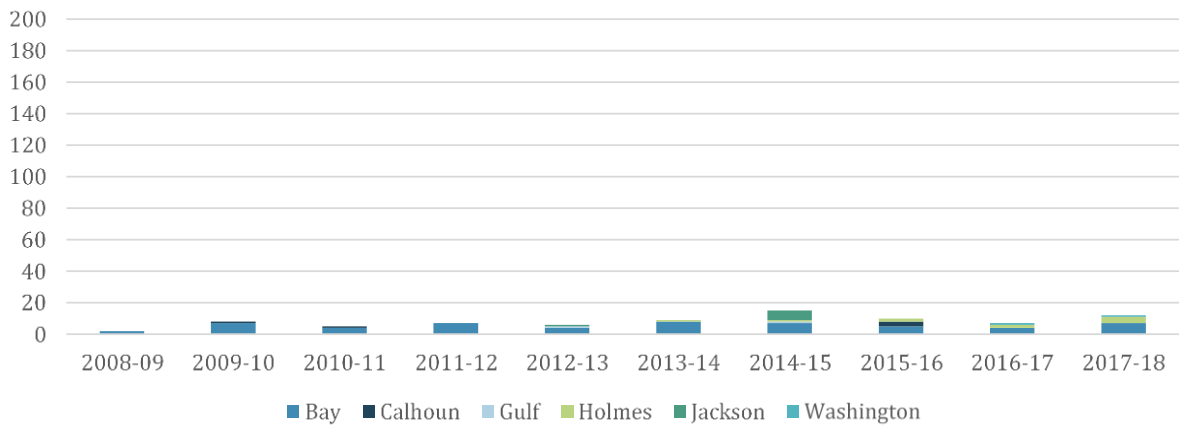
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
DeSoto	0	0	0	0	2	0	0	1	1	0
Manatee	30	15	23	15	32	18	37	19	20	19
Sarasota	20	25	20	25	25	19	22	36	30	54
<b>Total</b>	<b>50</b>	<b>40</b>	<b>43</b>	<b>40</b>	<b>59</b>	<b>37</b>	<b>59</b>	<b>56</b>	<b>51</b>	<b>73</b>

### Thirteenth Circuit



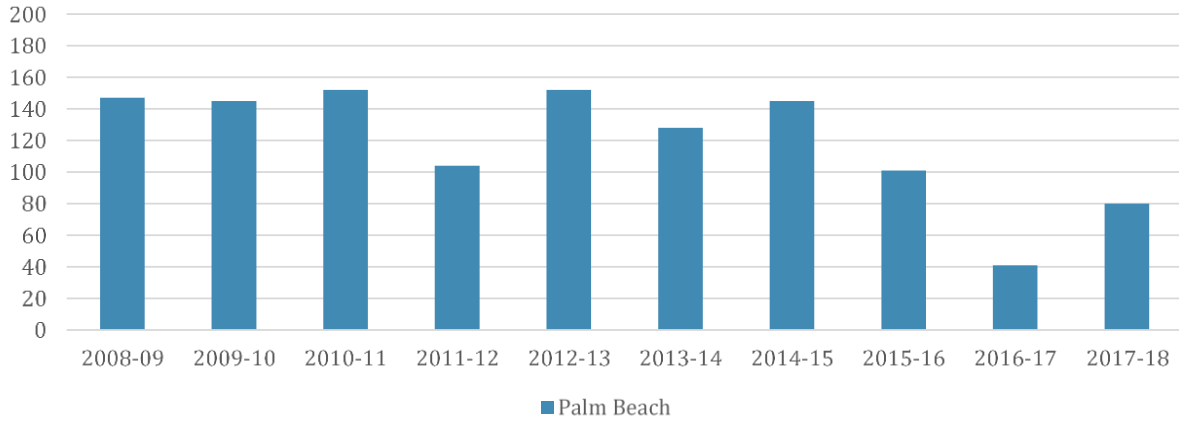
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Hillsborough	42	85	50	43	29	72	114	107	132	162
<b>Total</b>	<b>42</b>	<b>85</b>	<b>50</b>	<b>43</b>	<b>29</b>	<b>72</b>	<b>114</b>	<b>107</b>	<b>132</b>	<b>162</b>

### Fourteenth Circuit



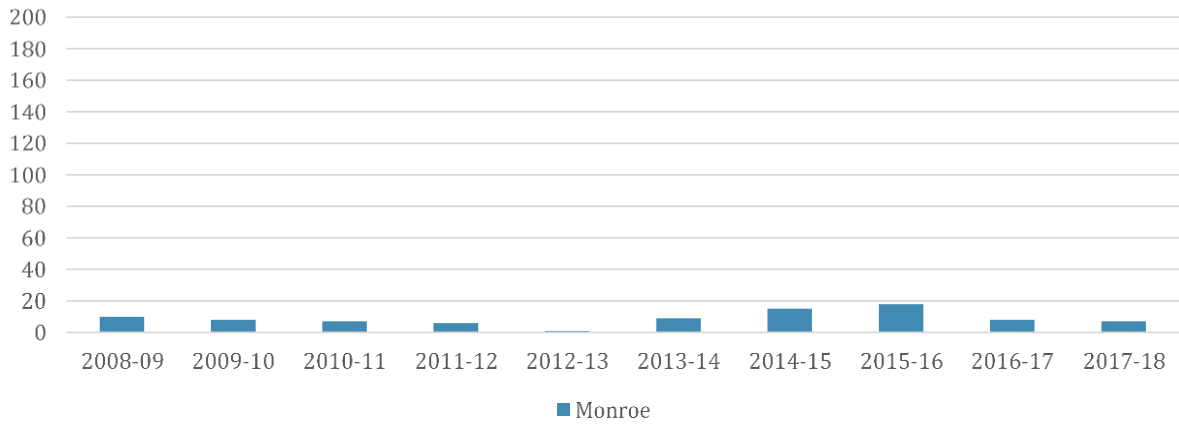
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Bay	2	7	4	7	4	8	7	5	4	7
Calhoun	0	1	1	0	0	0	0	3	0	0
Gulf	0	0	0	0	1	0	1	0	0	0
Holmes	0	0	0	0	0	1	1	2	2	4
Jackson	0	0	0	0	1	0	6	0	0	0
Washington	0	0	0	0	0	0	0	0	1	1
<b>Total</b>	<b>2</b>	<b>8</b>	<b>5</b>	<b>7</b>	<b>6</b>	<b>9</b>	<b>15</b>	<b>10</b>	<b>7</b>	<b>12</b>

### Fifteenth Circuit



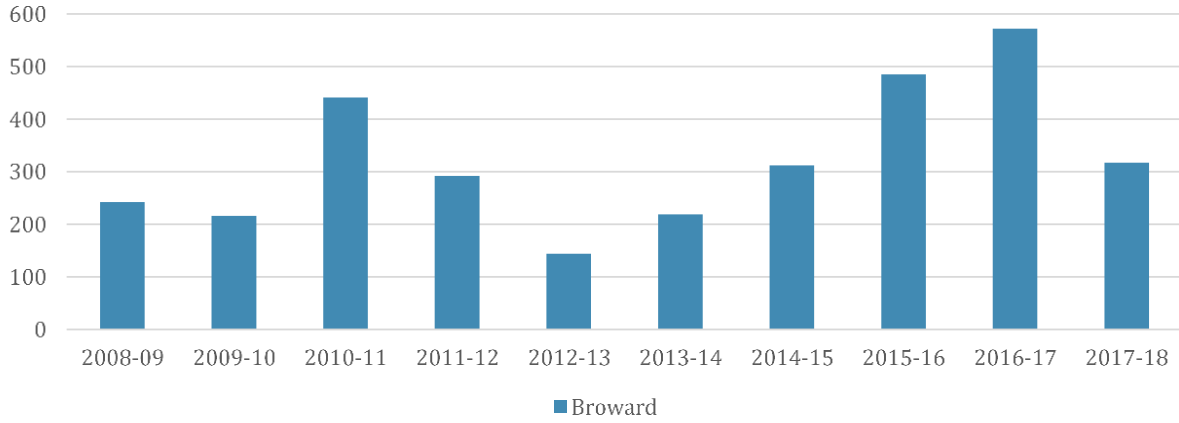
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Palm Beach	147	145	152	104	152	128	145	101	41	80
<b>Total</b>	<b>147</b>	<b>145</b>	<b>152</b>	<b>104</b>	<b>152</b>	<b>128</b>	<b>145</b>	<b>101</b>	<b>41</b>	<b>80</b>

### Sixteenth Circuit



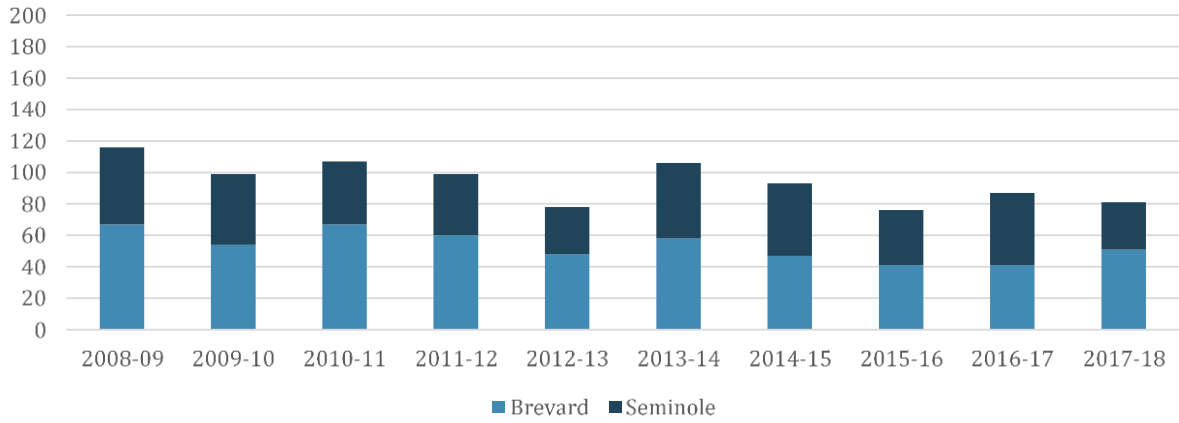
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Monroe	10	8	7	6	1	9	15	18	1	7
<b>Total</b>	<b>10</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>1</b>	<b>9</b>	<b>15</b>	<b>18</b>	<b>1</b>	<b>7</b>

### Seventeenth Circuit



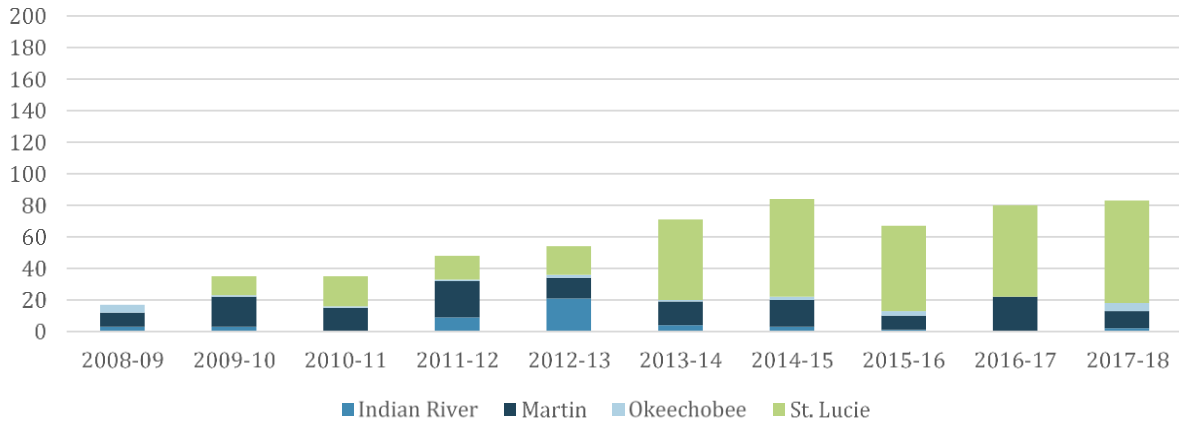
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Broward	242	216	441	292	144	219	312	485	572	317
<b>Total</b>	<b>242</b>	<b>216</b>	<b>441</b>	<b>292</b>	<b>144</b>	<b>219</b>	<b>312</b>	<b>485</b>	<b>572</b>	<b>317</b>

### Eighteenth Circuit



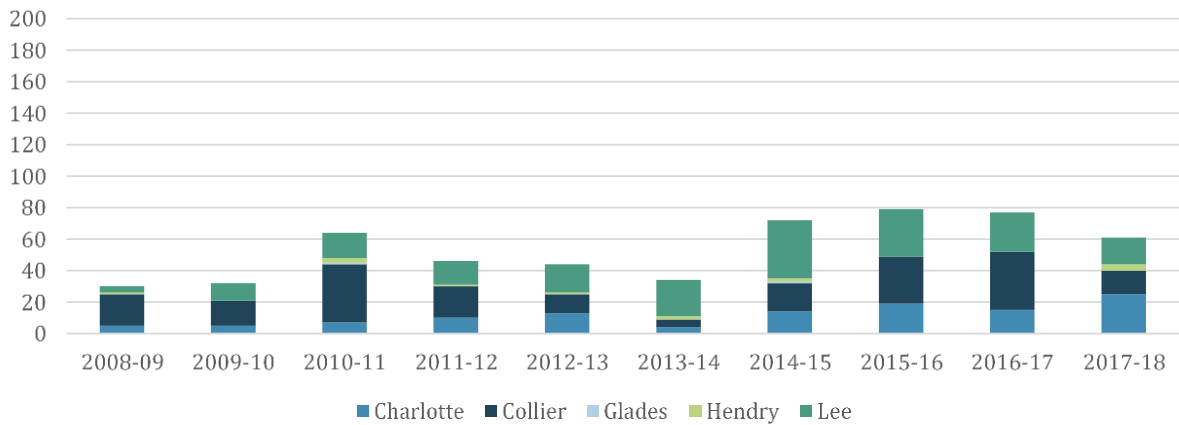
County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Brevard	67	54	67	60	48	58	47	41	41	51
Seminole	49	45	40	39	30	48	46	35	46	30
<b>Total</b>	<b>116</b>	<b>99</b>	<b>107</b>	<b>99</b>	<b>78</b>	<b>106</b>	<b>93</b>	<b>76</b>	<b>87</b>	<b>81</b>

### Nineteenth Circuit



County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Indian River	3	3	0	9	21	4	3	1	0	2
Martin	9	19	15	23	13	15	17	9	22	11
Okeechobee	5	1	1	1	2	1	2	3	0	5
St. Lucie	0	12	19	15	18	51	62	54	58	65
<b>Total</b>	<b>17</b>	<b>35</b>	<b>35</b>	<b>48</b>	<b>54</b>	<b>71</b>	<b>84</b>	<b>67</b>	<b>80</b>	<b>83</b>

### Twentieth Circuit



County	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Charlotte	5	5	7	10	13	4	14	19	15	25
Collier	20	16	37	20	12	5	18	30	37	15
Glades	0	0	1	0	0	0	1	0	0	0
Hendry	1	0	3	1	1	2	2	0	0	4
Lee	4	11	16	15	18	23	37	30	25	17
<b>Total</b>	<b>30</b>	<b>32</b>	<b>64</b>	<b>46</b>	<b>44</b>	<b>34</b>	<b>72</b>	<b>79</b>	<b>77</b>	<b>61</b>

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

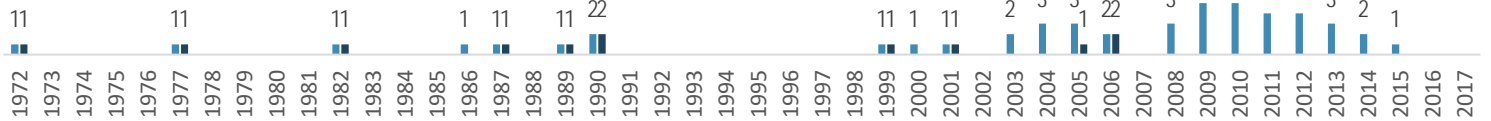
# APPENDIX B

## Certifications and Authorizations of Circuit and County Court Judges

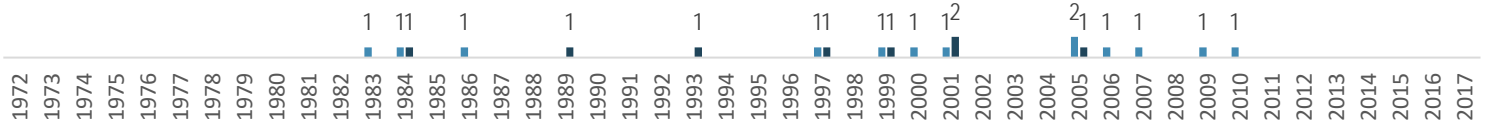
### Exhibit B-1

### Certifications and Authorizations of Circuit Court Judges, 1972 - 2017

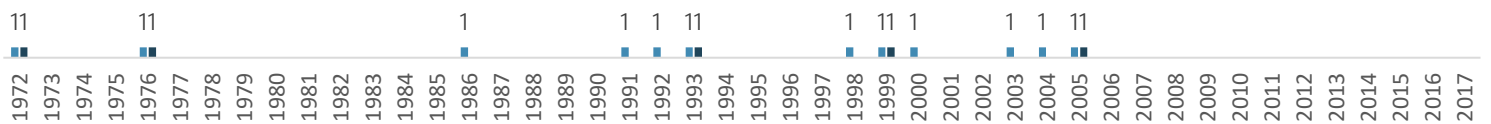
#### First



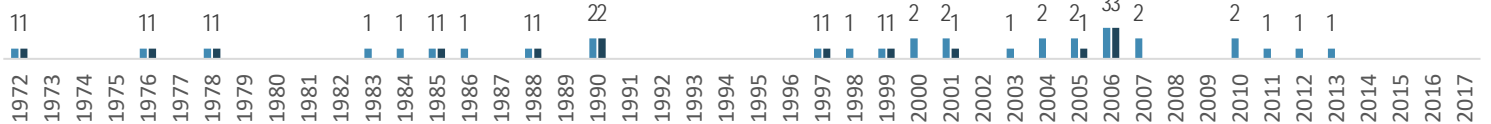
#### Second



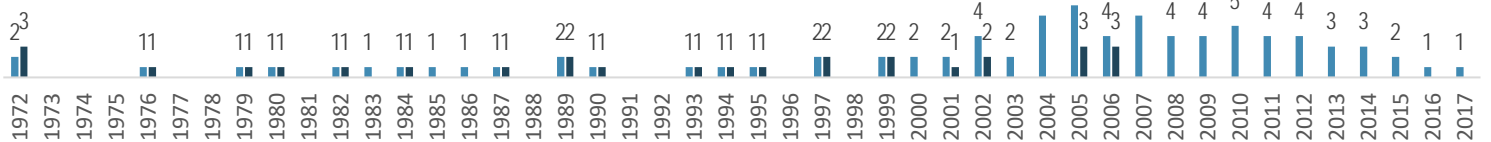
#### Third



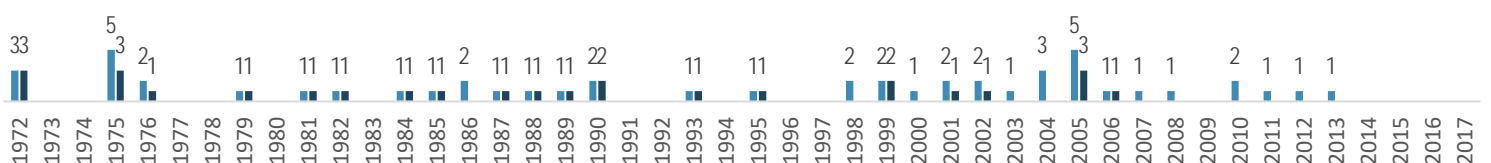
#### Fourth



#### Fifth



#### Sixth

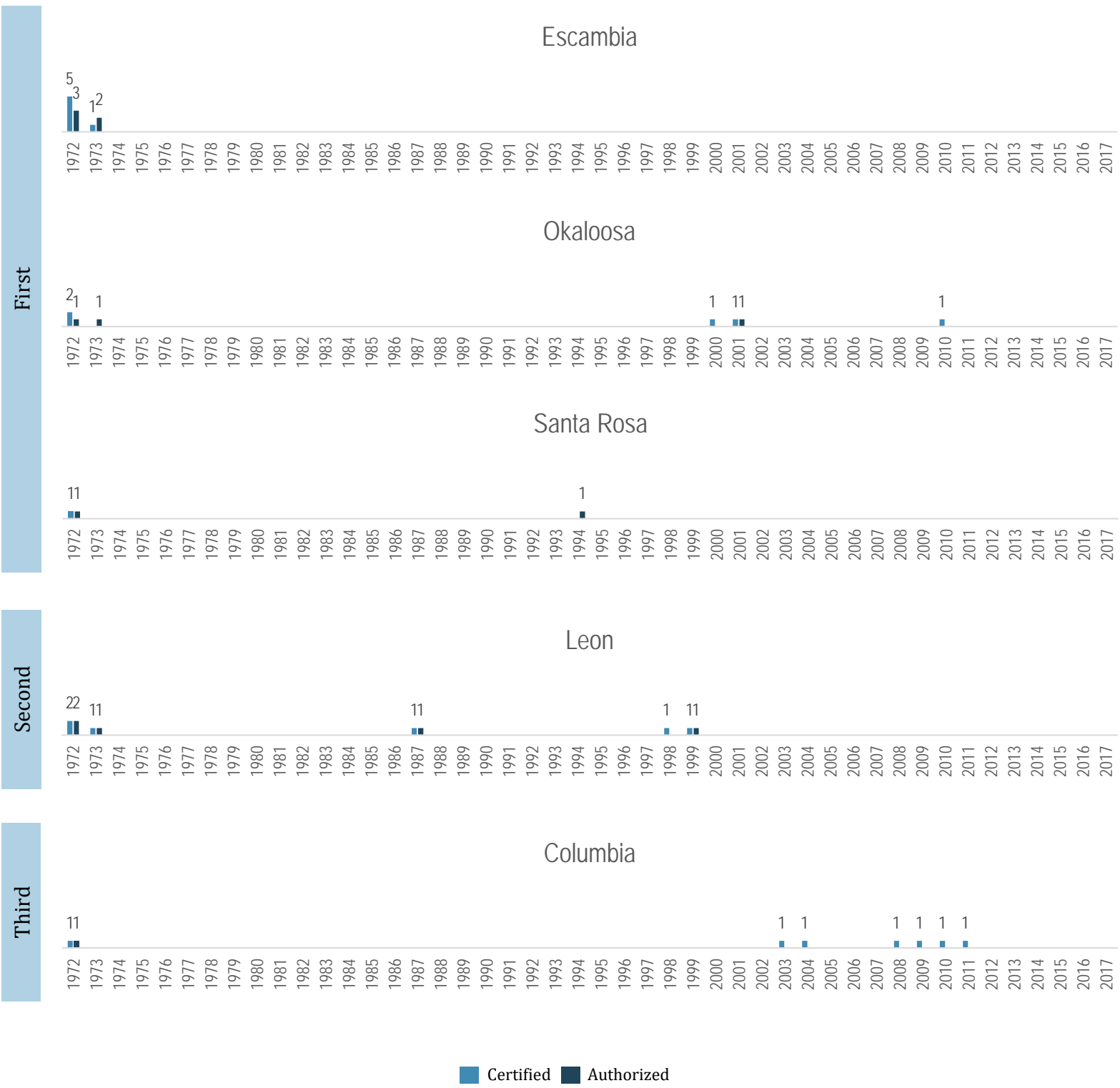






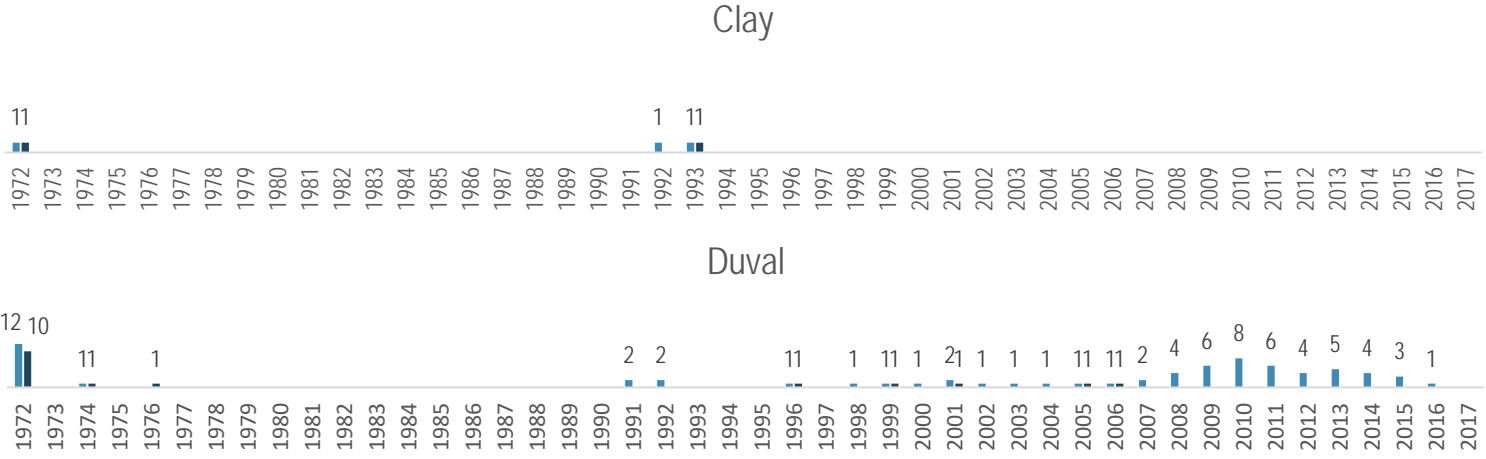


**Exhibit B-2**  
**Certifications and Authorizations of County Court Judges, 1972 – 2017**

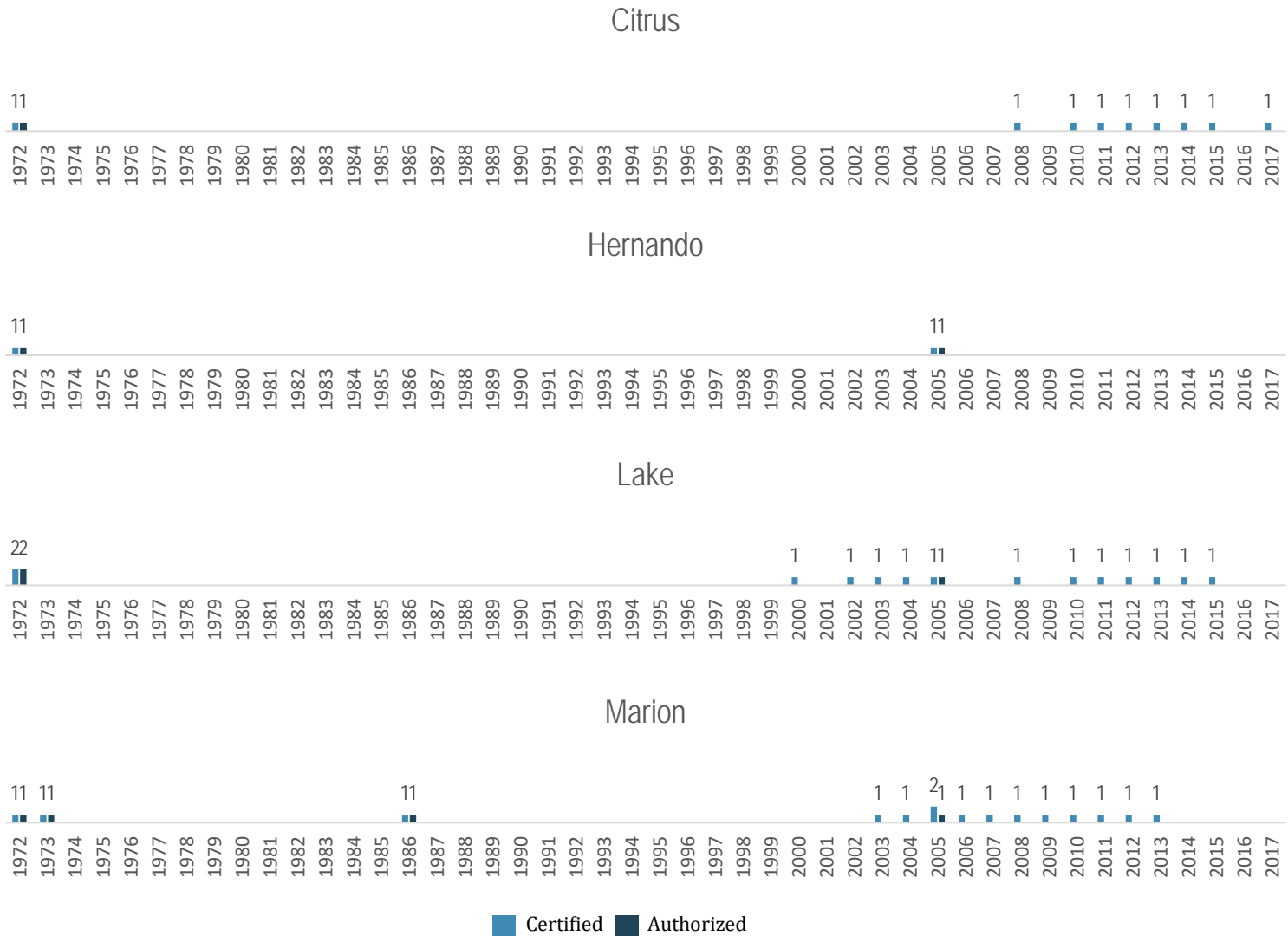


Note: The following counties are excluded due to no certifications or authorizations since 1972: Walton in the First Circuit; Franklin, Gadsden, Jefferson, Liberty, and Wakulla in the Second Circuit; and Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor in the Third Circuit.

Fourth



Fifth

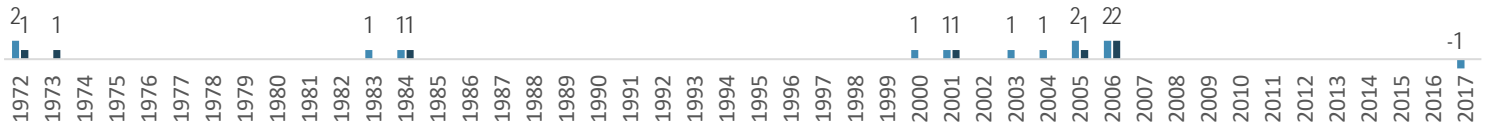


■ Certified ■ Authorized

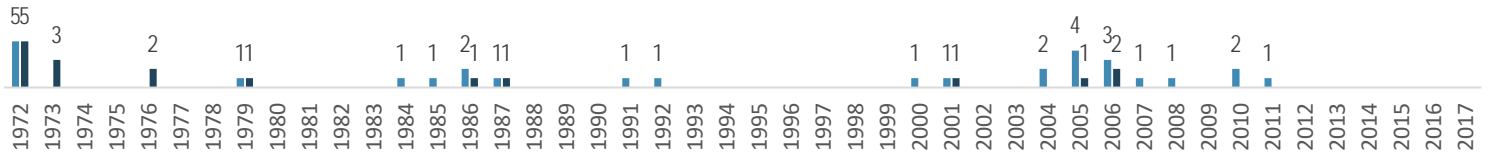
Note: The following counties are excluded due to no certifications or authorizations since 1972: Nassau in the Fourth Circuit and Sumter in the Fifth Circuit. Additionally, Citrus County was authorized one judge in 2019.

Sixth

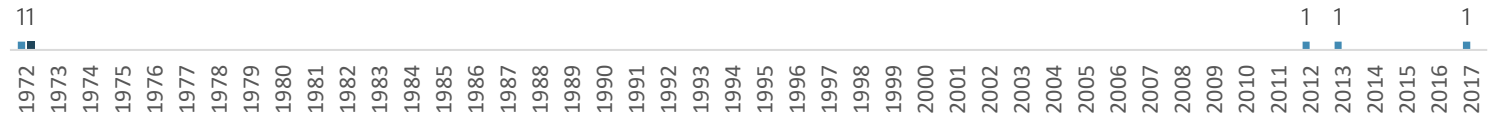
Pasco



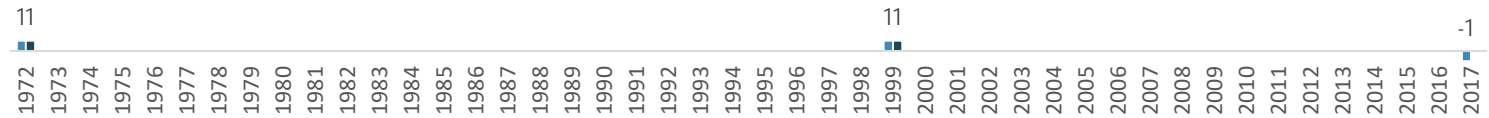
Pinellas



Flagler



Putnam



St. Johns

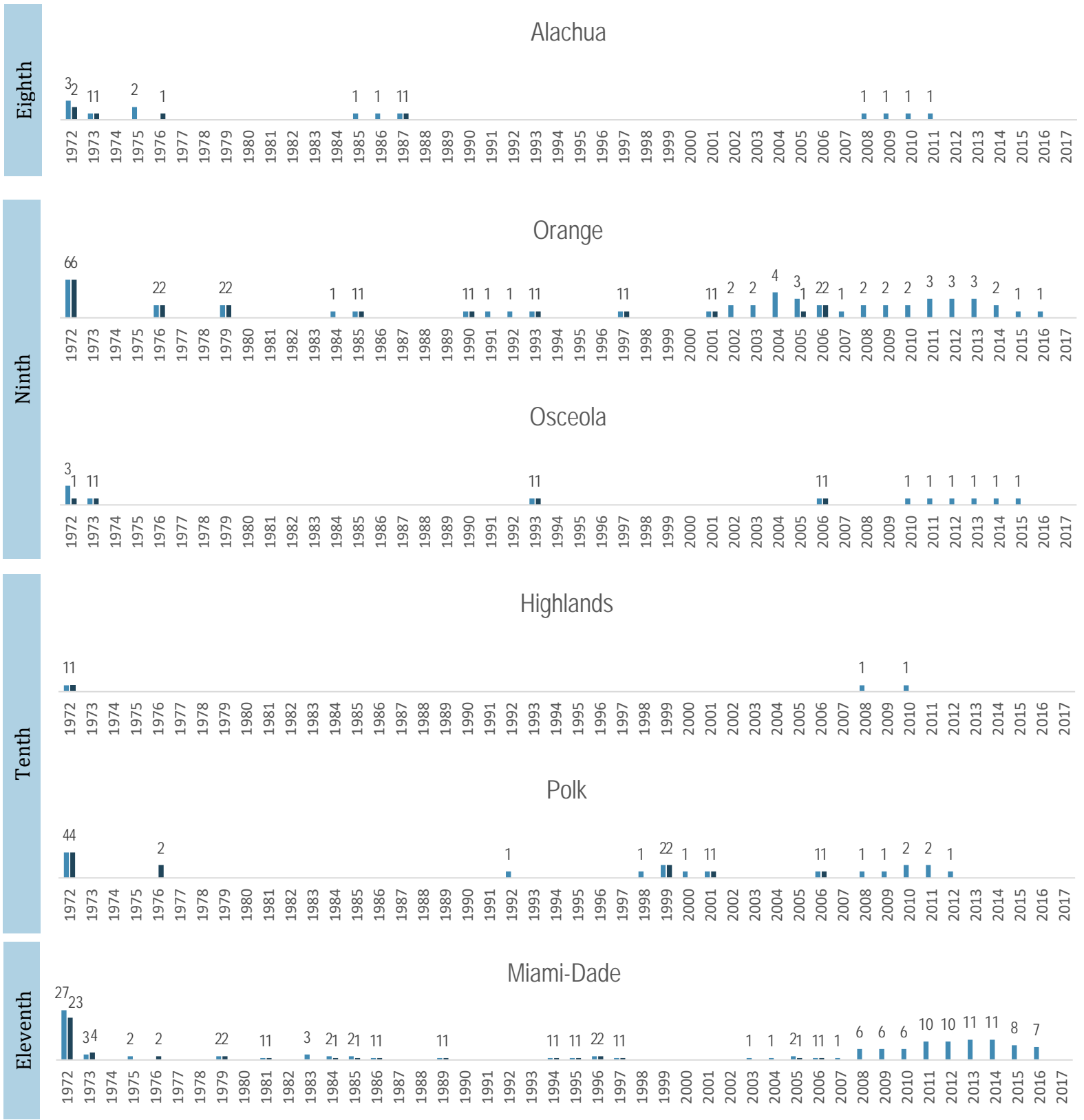


Volusia



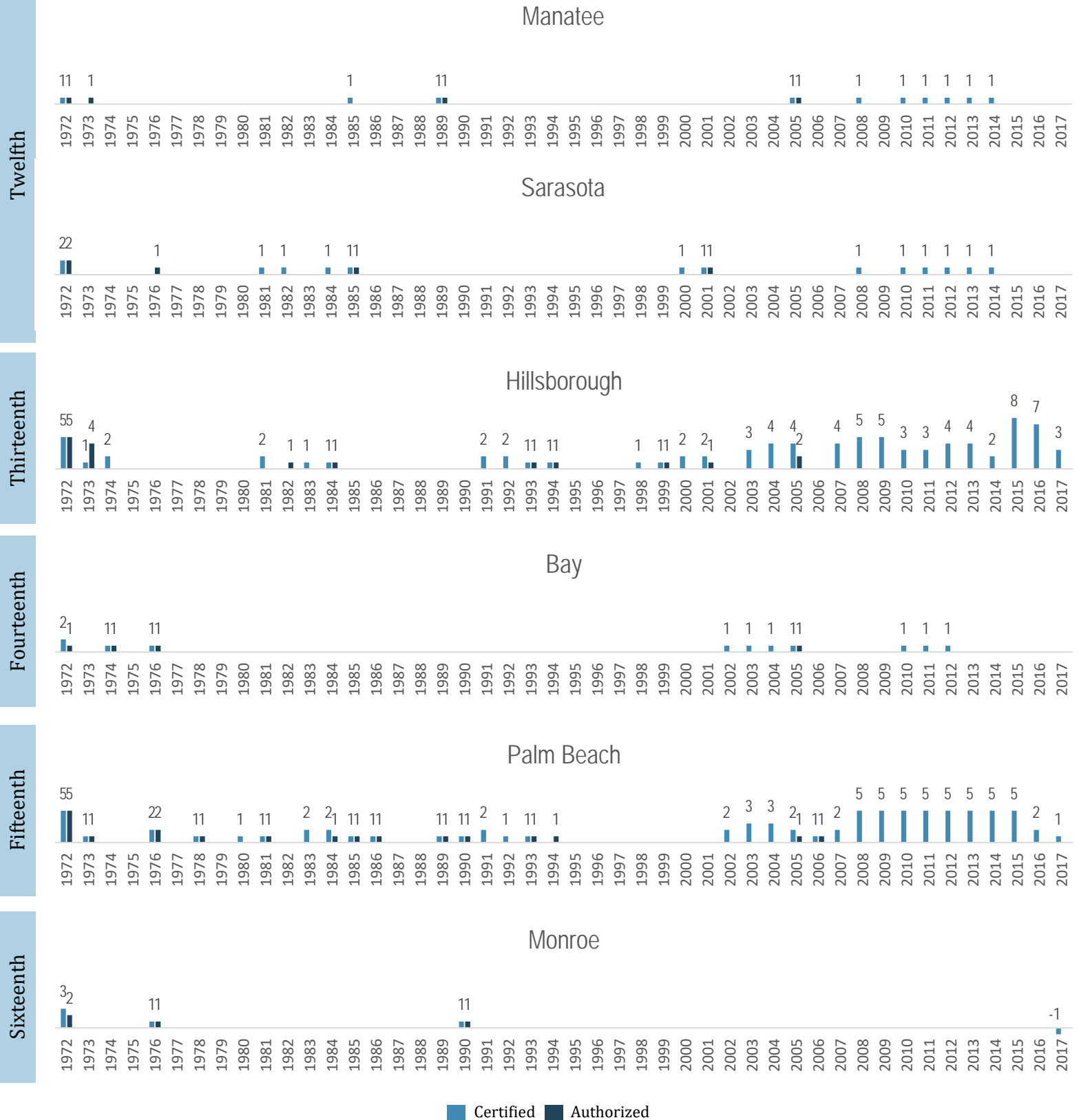
■ Certified ■ Authorized

Note: Flagler County was authorized one judge in 2019.



■ Certified ■ Authorized

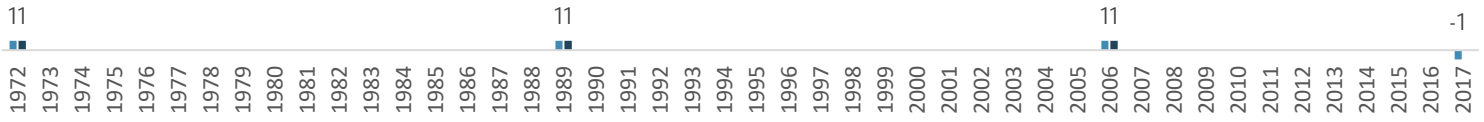
Note: The following counties are excluded due to no certifications or authorizations since 1972: Baker, Bradford, Gilchrist, Levy, and Union in the Eighth Circuit and Hardee in the Tenth Circuit.



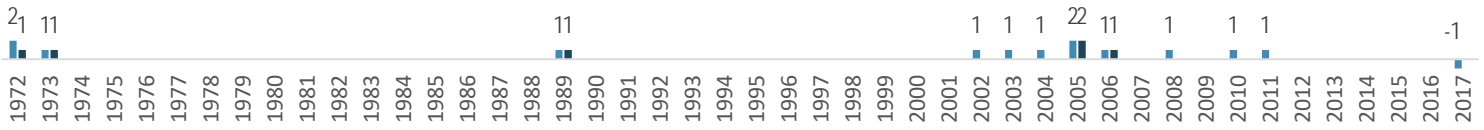
Note: The following counties are excluded due to no certifications or authorizations since 1972: DeSoto in the Twelfth Circuit and Calhoun, Gulf, Holmes, Jackson, and Washington in the Fourteenth Circuit.



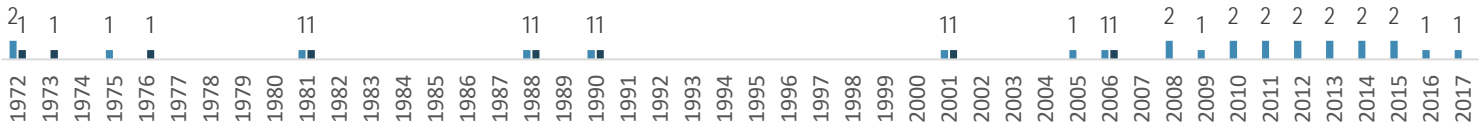
### Charlotte



### Collier



### Lee



■ Certified ■ Authorized

Note: The following counties are excluded due to no certifications or authorizations since 1972: Glades and Hendry in the Twentieth Circuit.  
 Source: OPPAGA analysis of data from the Office of State Courts Administrator.



# APPENDIX C

## Circuit and County Court Case Filings, Population, and Projected Population Growth

### Exhibit C-1

#### Case Filings and Population by Circuit and County

Circuit/County	Number of Circuit Filings 2016 - 17	Number of County Filings 2016 - 17	Population 2018	Population Growth Forecast (2018 - 2045)
<b>Circuit 1</b>	<b>33,878</b>		<b>756,487</b>	<b>25.1%</b>
Escambia		21,175	316,504	11.2%
Okaloosa		11,452	197,935	18.3%
Santa Rosa		11,860	174,610	43.7%
Walton		4,687	67,438	61.7%
<b>Circuit 2</b>	<b>17,256</b>		<b>405,752</b>	<b>17.6%</b>
Franklin		1,172	12,335	12.5%
Gadsden		4,121	48,165	5.6%
Jefferson		1,133	14,710	6.3%
Leon		28,796	289,524	18.8%
Liberty		494	8,761	20.5%
Wakulla		1,517	32,257	30.3%
<b>Circuit 3</b>	<b>8,593</b>		<b>196,011</b>	<b>11.0%</b>
Columbia		4,903	69,437	13.9%
Dixie		1,077	16,746	9.4%
Hamilton		3,109	14,699	9.3%
Lafayette		410	8,382	12.2%
Madison		3,715	19,425	2.6%
Suwannee		2,268	45,065	13.6%
Taylor		1,652	22,257	6.3%
<b>Circuit 4</b>	<b>41,903</b>		<b>1,246,229</b>	<b>31.1%</b>
Clay		17,453	212,556	41.6%
Duval		159,700	950,991	27.9%
Nassau		4,782	82,682	41.7%
<b>Circuit 5</b>	<b>41,132</b>		<b>1,148,735</b>	<b>39.6%</b>
Citrus		5,582	144,862	16.0%
Hernando		14,774	184,745	30.1%
Lake		21,024	340,389	49.7%
Marion		16,717	354,141	27.9%
Sumter		6,074	124,598	86.7%
<b>Circuit 6</b>	<b>58,619</b>		<b>1,485,853</b>	<b>19.8%</b>
Pasco		32,178	516,246	39.3%
Pinellas		80,644	969,607	9.5%
<b>Circuit 7</b>	<b>34,849</b>		<b>952,055</b>	<b>36.2%</b>
Flagler		4,594	107,795	53.9%
Putnam		4,945	73,387	3.1%
St. Johns		13,682	239,465	72.3%
Volusia		63,585	531,408	20.9%

Circuit/County	Number of Circuit Filings 2016 - 17	Number of County Filings 2016 - 17	Population 2018	Population Growth Forecast (2018 - 2045)
Circuit 8	14,089		393,508	16.9%
Alachua		22,254	263,101	19.0%
Baker		1,960	27,436	17.1%
Bradford		2,714	27,986	9.7%
Gilchrist		1,009	17,536	16.5%
Levy		3,069	41,475	12.2%
Union		650	15,974	8.1%
Circuit 9	59,029		1,719,272	54.9%
Orange		128,304	1,362,325	47.8%
Osceola		29,206	356,947	82.0%
Circuit 10	35,950		808,820	34.8%
Hardee		3,022	27,425	3.8%
Highlands		4,210	103,111	14.7%
Polk		49,642	678,284	39.1%
Circuit 11	90,250		2,788,684	28.8%
Miami-Dade		652,077	2,788,684	28.8%
Circuit 12	26,208		829,169	34.2%
DeSoto		1,769	35,930	10.0%
Manatee		17,701	378,939	45.3%
Sarasota		32,221	414,300	26.1%
Circuit 13	54,498		1,412,212	40.4%
Hillsborough		143,030	1,412,212	40.4%
Circuit 14	15,464		309,329	17.4%
Bay		19,000	181,640	24.0%
Calhoun		848	15,283	12.9%
Gulf		689	16,197	14.2%
Holmes		1,168	20,380	6.9%
Jackson		3,929	50,634	4.3%
Washington		1,515	25,195	9.4%
Circuit 15	45,462		1,437,446	25.9%
Palm Beach		189,442	1,437,446	25.9%
Circuit 16	3,715		76,679	0.9%
Monroe		14,295	76,679	0.9%
Circuit 17	73,264		1,897,691	21.1%
Broward		298,962	1,897,691	21.1%
Circuit 18	34,108		1,044,427	23.9%
Brevard		37,198	582,351	22.1%
Seminole		47,906	462,076	26.1%
Circuit 19	22,182		651,459	33.0%
Indian River		9,168	151,448	34.2%
Martin		13,674	155,255	19.6%
Okeechobee		2,734	41,422	11.8%
St. Lucie		21,929	303,334	42.2%
Circuit 20	41,563		1,310,101	41.8%
Charlotte		9,597	174,857	25.6%
Collier		20,706	365,657	41.4%

Circuit/County	Number of Circuit Filings 2016 - 17	Number of County Filings 2016 - 17	Population 2018	Population Growth Forecast (2018 - 2045)
Glades		2,323	13,164	17.4%
Hendry		4,294	39,600	14.2%
Lee		51,203	716,823	47.9%
<b>Total</b>	<b>752,012</b>	<b>2,392,693</b>		

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

# APPENDIX D

## Projected Growth in Cases Using Population Growth Estimates

Exhibit D-1 presents the projected growth in case filings by circuit if filings grew at the same rate as the projected population rate in Florida. If circuit case filings grew at the same rate as the projected population rate, there would be an average annual increase in case filings of 1.4% over the next 10 years, from Fiscal Year 2018-19 to 2027-28. The Ninth Circuit has the greatest projected average annual growth rate of 2.5%, followed by the Thirteenth Circuit and Twentieth Circuit with a projected average annual growth rate of 1.8%. The Sixteenth Circuit has the only negative projected annual growth rate of -0.1% over the next 10 years. The last column presents the average annual growth rate by circuit. Many factors influence case filings beyond population growth. For example, economic conditions can have a significant impact on civil case filings, such as foreclosure filings and evictions. Declining crime and arrest rates have resulted in decreases in both juvenile delinquency and criminal case filings on the national level, and declining marriage rates have resulted in decreases in dissolution cases on the national level. Thus, the projections below should be interpreted cautiously.

### Exhibit D-1

#### Projected Growth in Circuit Case Filings Based on Projected Population Growth

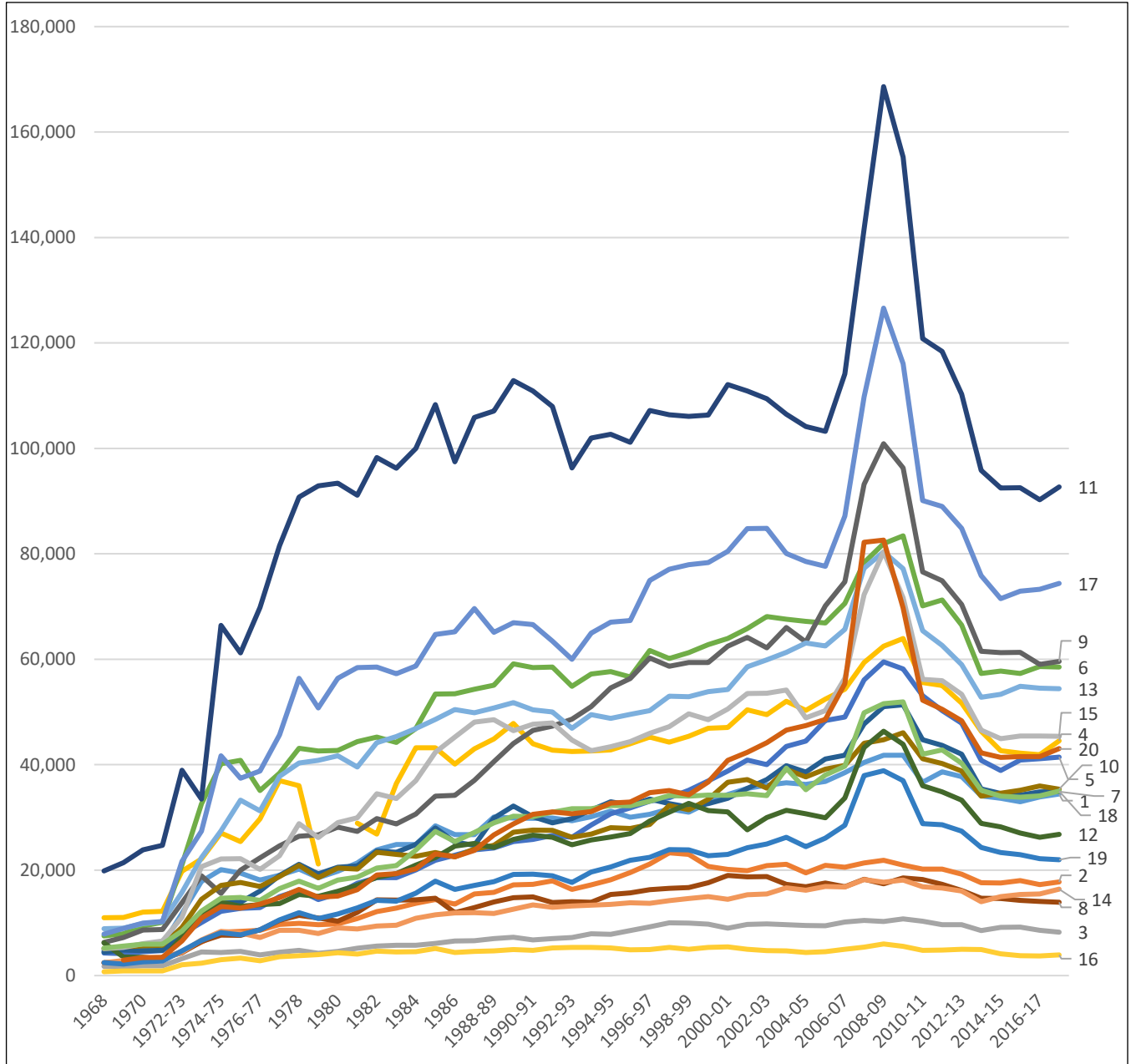
Circuit	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	Average Annual Growth Rate
First	34,426	34,957	35,393	35,806	36,229	36,662	37,096	37,522	37,934	38,325	38,695	1.2%
Second	17,764	17,860	18,035	18,237	18,423	18,586	18,732	18,868	18,999	19,130	19,260	0.8%
Third	8,241	8,276	8,312	8,352	8,397	8,444	8,493	8,541	8,588	8,631	8,671	0.5%
Fourth	44,532	45,274	45,996	46,723	47,427	48,105	48,755	49,380	49,978	50,552	51,104	1.4%
Fifth	41,459	42,245	43,052	43,887	44,687	45,447	46,176	46,881	47,572	48,255	48,929	1.7%
Sixth	58,541	59,265	59,858	60,426	60,988	61,547	62,097	62,637	63,162	63,670	64,161	0.9%
Seventh	34,890	35,662	36,302	36,931	37,555	38,173	38,780	39,371	39,941	40,488	41,013	1.6%
Eighth	13,904	14,064	14,188	14,300	14,413	14,529	14,643	14,757	14,866	14,970	15,070	0.8%
Ninth	59,559	62,003	63,659	65,286	66,910	68,525	70,116	71,671	73,176	74,620	76,006	2.5%
Tenth	35,373	36,160	36,804	37,440	38,067	38,684	39,289	39,876	40,445	40,992	41,518	1.6%
Eleventh	92,701	94,242	95,646	97,083	98,470	99,808	101,083	102,313	103,499	104,652	105,736	1.3%
Twelfth	26,782	27,360	27,827	28,262	28,710	29,173	29,640	30,100	30,543	30,959	31,352	1.6%
Thirteenth	54,409	55,707	56,834	57,970	59,085	60,174	61,235	62,271	63,279	64,261	65,212	1.8%
Fourteenth	16,392	16,585	16,748	16,904	17,053	17,196	17,333	17,464	17,590	17,710	17,826	0.8%
Fifteenth	45,412	46,160	46,752	47,302	47,856	48,418	48,981	49,539	50,083	50,607	51,114	1.2%
Sixteenth	3,918	3,907	3,873	3,837	3,821	3,821	3,832	3,849	3,865	3,876	3,882	-0.1%
Seventeenth	74,387	75,329	76,230	77,157	78,050	78,898	79,706	80,474	81,207	81,906	82,575	1.0%
Eighteenth	34,985	35,476	35,923	36,372	36,809	37,230	37,636	38,026	38,400	38,758	39,101	1.1%
Nineteenth	21,965	22,332	22,684	23,034	23,378	23,714	24,042	24,362	24,672	24,973	25,265	1.4%
Twentieth	43,045	44,030	44,919	45,786	46,645	47,494	48,325	49,134	49,913	50,658	51,374	1.8%
<b>Total</b>	<b>762,685</b>	<b>776,893</b>	<b>789,035</b>	<b>801,095</b>	<b>812,973</b>	<b>824,626</b>	<b>835,992</b>	<b>847,035</b>	<b>857,711</b>	<b>867,992</b>	<b>877,864</b>	<b>1.4%</b>

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

# APPENDIX E

## Case Filings by Circuit

Exhibit E-1  
Total Case Filings by Circuit, 1968 – 2017



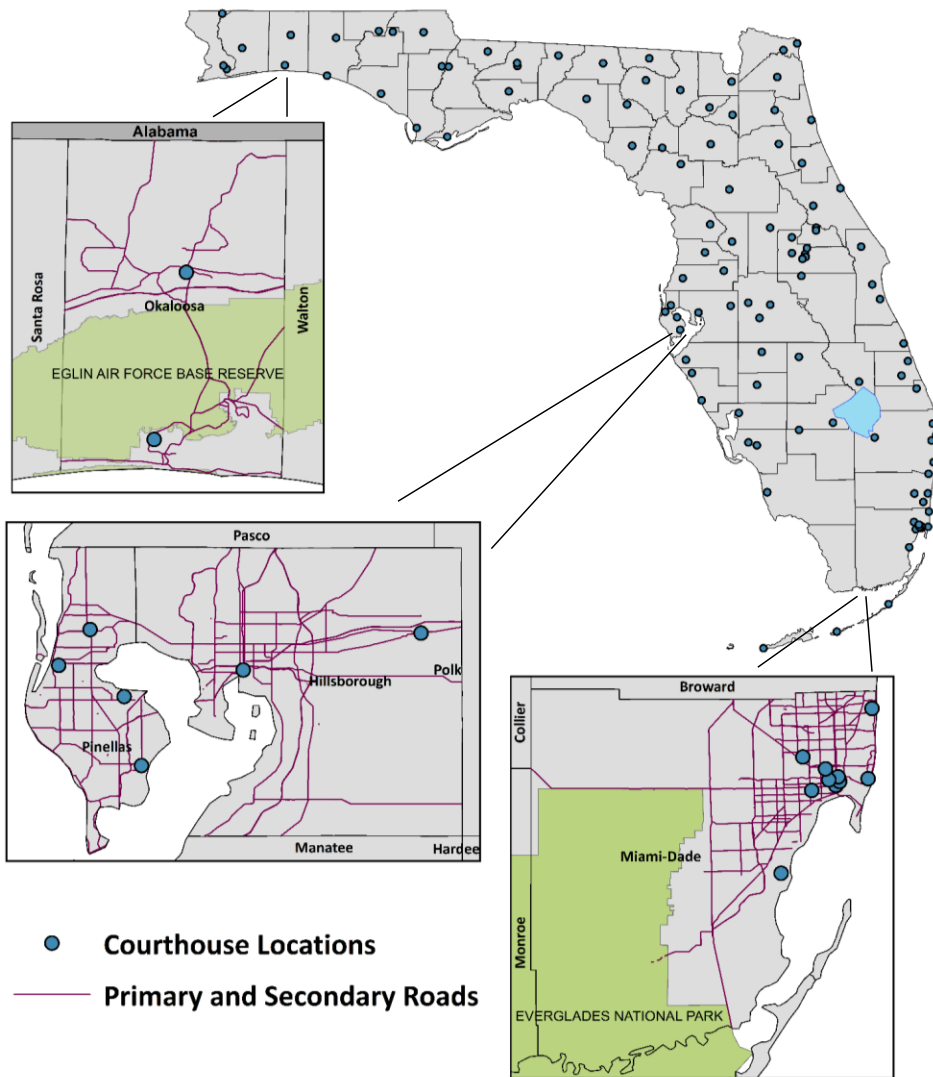
Note: Historical data for case filings in some fiscal years was unavailable; thus, filing data from the calendar year was used.  
Source: OPPAGA analysis of historic court records.

# APPENDIX F

## Map of Florida Courthouses

Counties have used different strategies to provide public access to the courts. For example, as shown in Exhibit F-1, Okaloosa County's main courthouse is in Crestview, north of Eglin Air Force Base, and there is an annex in Fort Walton Beach to provide access to coastal residents. Pinellas County has six courthouse facilities in four locations distributed throughout the county, while neighboring Hillsborough has co-located four of its five facilities downtown, with one courthouse in Plant City. Miami-Dade has 11 courthouse locations, primarily located in central Miami, but it also has court facilities in Coral Gables, Hialeah, and Miami Beach, providing greater accessibility throughout the county. Statewide, there are 127 courthouse locations where the public can access trial court services.

**Exhibit F-1**  
**Each Florida County Has at Least One Courthouse**



Note: Primary roads are generally divided, limited-access highways within the interstate highway system or under state management. Secondary roads are main arteries, usually in the U.S. highway, state highway, and/or county highway system. Due to damage caused by Hurricane Michael, the Jackson County Courthouse was not in use during the time of our review. Civil and criminal court proceedings were being held in temporary locations, including the Jackson County Agriculture Center and the Washington County Courthouse.

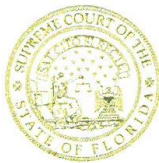
Source: OPPAGA analysis of court location data and 2016 U.S. Census TIGER/Line Shapefile for primary and secondary roads.

# AGENCY RESPONSE

---

Charles T. Canady  
Chief Justice

---



---

Elisabeth H. Kiel  
State Courts Administrator

---

## Office of the State Courts Administrator

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

August 15, 2019

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 *Florida's Judicial 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 of the review, as well as for their professional approach to completing the review.

The judicial branch shares the Legislature's commitment to continual evaluation of district, circuit, and county court boundaries, caseload, and workload issues affecting courts in this state. 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 of judges and the need for changes to appellate district or judicial circuit boundaries.

The report's analysis provides valuable information on judicial boundary adjustments over time, case filings data, and population trends. As noted in the report, when determining judicial need for circuit and county court judges, the state courts system uses a method that applies case weights to the number of cases filed. Similarly, judicial need for district court judges applies case weights to the number of cases disposed on the merits. 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 and disposed on the merits 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 the results of the judicial workload calculation over three years. The Supreme Court will consider these results when certifying the need for an additional district, circuit, or county court judge. The Supreme Court also considers several other factors, as enumerated in the Florida Rules of Judicial Administration.

Mr. R. Philip Twogood, Ph.D.  
August 15, 2019  
Page 2

As the report indicates, filings have decreased overall in the last decade. I will note, however, that civil filing trends have shown sustained increases over the past few years, specifically in small claims, other county civil, auto negligence, and contract and indebtedness case types. Statewide, contract and indebtedness case types have had three consecutive years of growth, resulting in an increase by over 50 percent from fiscal year 2015-16. Similar growth trends have occurred in county civil cases. The state courts system closely monitors filing trends in order to anticipate and respond to operational impacts.

Last, as an important corollary to workload, the state courts system focuses continually on performance. The Commission on District Court of Appeal Performance and Accountability and the Commission on Trial Court Performance and Accountability, for example, are charged with proposing policies and procedures on matters related to the efficient and effective functioning of Florida's district and trial courts through the development of comprehensive resource management, performance measurement, and accountability programs. Florida's district courts of appeal, circuit courts, and county courts are performing very well, as evidenced by their fiscal year 2017-18 clearance rates of 102.6 percent, 95.2 percent, and 97.6 percent, respectively. This commitment to enhancing performance and effectiveness is also reflected in analysis that the Judicial Management Council is currently undertaking on the feasibility of remote appearance technologies and on the process for appellate review of county court decisions.

The report's listed factors to consider related to future changes in judicial boundaries do raise 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 report and weighs these considerations in the future.

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,



Elisabeth H. Kiel

EHK:snb





# OPPAGA

Office of Program Policy Analysis and Government Accountability

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

- [Reports](#) deliver program evaluation and policy analysis to assist the Legislature in overseeing government operations, developing policy choices, and making Florida government more efficient and effective.
- Government Program Summaries (GPS), an online encyclopedia, [www.oppaga.state.fl.us/government](http://www.oppaga.state.fl.us/government), provides descriptive, evaluative, and performance information on more than 200 Florida state government programs.
- [PolicyNotes](#), an electronic newsletter, delivers brief announcements of research reports, conferences, and other resources of interest for Florida's policy research and program evaluation community.
- Visit OPPAGA's website at [www.oppaga.state.fl.us](http://www.oppaga.state.fl.us).

---

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475).

**OPPAGA website:** [www.oppaga.state.fl.us](http://www.oppaga.state.fl.us)

Project supervised by Claire K. Mazur (850/717-0575)

Project conducted by Marina Byrd, Michelle Ciabotti, Jim Clark, Matthew Moncrief,  
Maggie Rooks, and Laurie Scott  
R. Philip Twogood, Coordinator